

ASSEMBLY BILL

No. 1507

**Introduced by Committee on Labor and Employment
(Assembly Members Roger Hernández (Chair), Chu, Low,
McCarty, and Thurmond)**

March 4, 2015

An act to amend Sections 47605.1, 47612.1, 52052.3, 52302.8, 52520, 53082, 69439, 84830, and 88640 of the Education Code, to amend Sections 1091.2, 12803.6, and 95501 of the Government Code, to amend Section 4658.7 of the Labor Code, to amend Section 999.80 of the Military and Veterans Code, to amend Section 14403 of the Public Resources Code, to amend Sections 320.5, 325.6, 1177.5, 1269, 1279.5, 2051, 9600.7, 9809.5, 10200, 10204, 10205, 11024, 14002, 14003, 14004.5, 14005, 14013, 14020, 14200, 14206, 14208, 14211, 14221, 14230, 14231, 14500, 18002, and 18008 of the Unemployment Insurance Code, and to amend Section 16522.1 of the Welfare and Institutions Code, relating to job training.

LEGISLATIVE COUNSEL'S DIGEST

AB 1507, as introduced, Committee on Labor and Employment. California Workforce Investment Act.

Existing law, the federal Workforce Investment Act of 1998, authorizes workforce investment activities, including activities in which states may participate. Existing federal law, the Workforce Innovation and Opportunity Act, beginning July 1, 2015, repeals and supersedes that act and provides for the establishment of a state workforce development board to develop strategies to support the use of career pathways for the purpose of providing individuals with workforce investment activities, education, and support services necessary for

them to enter the workforce or retain employment. Existing law contains various programs for job training and employment investment, including work incentive programs.

This bill would update statutory references to the federal Workforce Investment Act of 1998 to instead refer to the federal Workforce Innovation and Opportunity Act and make related conforming changes.

By revising the duties of local workforce investment boards to conform to the federal Workforce Innovation and Opportunity Act, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 47605.1 of the Education Code is
2 amended to read:
3 47605.1. (a) (1) Notwithstanding any other law, a charter
4 school that is granted a charter from the governing board of a
5 school district or county office of education after July 1, 2002, and
6 commences providing educational services to pupils on or after
7 July 1, 2002, shall locate in accordance with the geographic and
8 site limitations of this part.
9 (2) Notwithstanding any other law, a charter school that is
10 granted a charter by the state board after July 1, 2002, and
11 commences providing educational services to pupils on or after
12 July 1, 2002, based on the denial of a petition by the governing
13 board of a school district or county board of education, as described
14 in paragraphs (1) and (2) of subdivision (j) of Section 47605, may
15 locate only within the geographic boundaries of the chartering
16 entity that initially denied the petition for the charter.
17 (3) A charter school that receives approval of its charter from
18 a governing board of a school district, a county office of education,
19 or the state board before July 1, 2002, but does not commence
20 operations until after January 1, 2003, shall be subject to the

1 geographic limitations of the part, in accordance with subdivision
2 (e).

3 (b) Nothing in this section is intended to affect the admission
4 requirements contained in subdivision (d) of Section 47605.

5 (c) Notwithstanding any other law, a charter school may
6 establish a resource center, meeting space, or other satellite facility
7 located in a county adjacent to that in which the charter school is
8 authorized if the following conditions are met:

9 (1) The facility is used exclusively for the educational support
10 of pupils who are enrolled in nonclassroom-based independent
11 study of the charter school.

12 (2) The charter school provides its primary educational services
13 in, and a majority of the pupils it serves are residents of, the county
14 in which the school is authorized.

15 (d) Notwithstanding subdivision (a) *of this section* or subdivision
16 (a) of Section 47605, a charter school that is unable to locate within
17 the geographic boundaries of the chartering school district may
18 establish one site outside the boundaries of the school district, but
19 within the county within which that school district is located, if
20 the school district where the charter school proposes to operate is
21 notified in advance of the charter petition approval, the county
22 superintendent of schools is notified of the location of the charter
23 school before it commences operations, and either of the following
24 circumstances exist:

25 (1) The school has attempted to locate a single site or facility
26 to house the entire program but such a facility or site is unavailable
27 in the area in which the school chooses to locate.

28 (2) The site is needed for temporary use during a construction
29 or expansion project.

30 (e) (1) For a charter school that was granted approval of its
31 charter before July 1, 2002, and provided educational services to
32 pupils before July 1, 2002, this section shall only apply to any new
33 educational services or schoolsites established or acquired by the
34 charter school on or after July 1, 2002.

35 (2) For a charter school that was granted approval of its charter
36 before July 1, 2002, but did not provide educational services to
37 pupils before July 1, 2002, this section shall only apply upon the
38 expiration of a charter that is in existence on January 1, 2003.

39 (3) Notwithstanding other implementation timelines in this
40 section, by June 30, 2005, or upon the expiration of a charter that

1 is in existence on January 1, 2003, whichever is later, all charter
2 schools shall be required to comply with this section for schoolsites
3 at which education services are provided to pupils before or after
4 July 1, 2002, regardless of whether the charter school initially
5 received approval of its charter school petition before July 1, 2002.
6 To achieve compliance with this section, a charter school shall be
7 required to receive approval of a charter petition in accordance
8 with this section and Section 47605.

9 (4) Nothing in this section is intended to affect the authority of
10 a governmental entity to revoke a charter that is granted on or
11 before the effective date of this section.

12 (f) A charter school that submits its petition directly to a county
13 board of education, as authorized by Sections 47605.5 or 47605.6,
14 may establish charter school operations only within the
15 geographical boundaries of the county in which that county board
16 of education has jurisdiction.

17 (g) Notwithstanding any other law, the jurisdictional limitations
18 set forth in this section do not apply to a charter school that
19 provides instruction exclusively in partnership with any of the
20 following:

21 (1) The federal ~~Workforce Investment Act of 1998 (29 U.S.C.~~
22 ~~Sec. 2801 et seq.)~~; *Workforce Innovation and Opportunity Act*.

23 (2) Federally affiliated Youth Build programs.

24 (3) Federal job corps training or instruction provided pursuant
25 to a memorandum of understanding with the federal provider.

26 (4) The California Conservation Corps or local conservation
27 corps certified by the California Conservation Corps pursuant to
28 Sections 14507.5 or 14406 of the Public Resources Code.

29 (5) Instruction provided to juvenile court school pupils pursuant
30 to subdivision (b) of Section 42238.18 or pursuant to Section 1981
31 for individuals who are placed in a residential facility.

32 SEC. 2. Section 47612.1 of the Education Code, as added by
33 Section 31 of Chapter 32 of the Statutes of 2014, is amended to
34 read:

35 47612.1. (a) Except for the requirement that a pupil be a
36 California resident, subdivision (b) of Section 47612 shall not
37 apply to a charter school program that provides instruction
38 exclusively in partnership with any of the following:

1 (1) The federal ~~Workforce Investment Act of 1998 (Public Law~~
2 ~~No. 105-220; 29 U.S.C. Sec. 2801 et seq.)~~. *Workforce Innovation*
3 *and Opportunity Act*.

4 (2) Federally affiliated Youth Build programs.

5 (3) Federal job corps training or instruction provided pursuant
6 to a memorandum of understanding with the federal provider.

7 (4) The California Conservation Corps or local conservation
8 corps certified by the California Conservation Corps pursuant to
9 Sections 14406 or 14507.5 of the Public Resources Code.

10 (b) This section shall become operative on July 1, 2015.

11 SEC. 3. Section 52052.3 of the Education Code is amended to
12 read:

13 52052.3. (a) As part of the alternative accountability system
14 for schools developed pursuant to subdivision (h) of Section 52052,
15 or any successor system, the Superintendent and the state board
16 shall allow no more than 10 dropout recovery high schools, as
17 defined in subdivision (b), to report, in lieu of other indicators, the
18 results of an individual pupil growth model that is proposed by
19 the school and certified by the Superintendent pursuant to
20 subdivision (c).

21 (b) For purposes of this section, “dropout recovery high school”
22 means a school offering instruction in any of grades 9 to 12,
23 inclusive, in which 50 percent or more of its pupils are either
24 designated as dropouts pursuant to the exit and withdrawal codes
25 developed by the department or left a school and were not
26 otherwise enrolled in a school for a period of at least 180 days and
27 the school provides instruction in partnership with any of the
28 following:

29 (1) The federal ~~Workforce Investment Act of 1998 (29 U.S.C.~~
30 ~~Sec. 2801 et seq.)~~. *Workforce Innovation and Opportunity Act*.

31 (2) Federally affiliated Youthbuild programs (42 U.S.C. Sec.
32 12899 et seq.).

33 (3) Federal job corps training or instruction provided pursuant
34 to a memorandum of understanding with the federal provider.

35 (4) The California Conservation Corps or local conservation
36 corps certified by the California Conservation Corps pursuant to
37 Section 14406 or 14507.5 of the Public Resources Code.

38 (c) A dropout recovery high school shall submit to the
39 Superintendent a certification that the high school meets the criteria
40 specified in subdivision (b) and provide a summary of data derived

1 from the California Longitudinal Pupil Achievement Data System
2 pursuant to Chapter 10 (commencing with Section 60900) of Part
3 33 to support that designation. A dropout recovery high school
4 shall also submit a proposed individual pupil growth model, and
5 the Superintendent shall review and certify that model if it meets
6 all of the following criteria:

7 (1) The model measures learning based on valid and reliable
8 nationally normed or criterion-referenced reading and mathematics
9 tests.

10 (2) The model measures skills and knowledge aligned with state
11 standards.

12 (3) The model measures the extent to which a pupil scored above
13 an expected amount of growth based on the individual pupil's
14 initial achievement score.

15 (4) The model demonstrates the extent to which a school is able
16 to accelerate learning on an annual basis.

17 (d) This section shall remain in effect only until January 1, 2017,
18 and as of that date is repealed, unless a later enacted statute, that
19 is enacted before January 1, 2017, deletes or extends that date.

20 SEC. 4. Section 52302.8 of the Education Code is amended to
21 read:

22 52302.8. (a) The Legislature hereby finds and declares that
23 vocational training resources that are provided through regional
24 occupational centers and programs are an essential component of
25 the state's secondary school system and the local system of
26 providing occupational skills training to high school pupils. For
27 this reason, the Legislature finds and declares that these resources
28 should be focused primarily on the needs of pupils enrolled in high
29 school.

30 (b) For the 2008–09 fiscal year, a regional occupational center
31 or program may claim no more than 50 percent of the state-funded
32 average daily attendance for which the center or program is eligible,
33 for services provided to students who are not enrolled in grades 9
34 to 12, inclusive.

35 (c) For the 2009–10 fiscal year, a regional occupational center
36 or program may claim no more than 30 percent of the state-funded
37 average daily attendance for which the center or program is eligible,
38 for services provided to students who are not enrolled in grades 9
39 to 12, inclusive.

(d) For the 2011–12 fiscal year and every fiscal year thereafter, a regional occupational center or program may claim no more than 10 percent of the state-funded average daily attendance for which the center or program is eligible, for services provided to students who are not enrolled in grades 9 to 12, inclusive, and up to an additional 5 percent for CalWORKs, Temporary Assistance Program, or Job Corps participants and participants under the federal ~~Workforce Investment Act of 1998 (29 U.S.C. Sec. 2810 et seq.)~~ *Workforce Innovation and Opportunity Act* who are enrolled in Intensive Training services.

(e) Pupils who are CalWORKs, Temporary Assistance Program, or Job Corps participants shall have priority for service within the percentage limits established under subdivision (d).

(f) Notwithstanding subdivision (d), a regional occupational center or program may claim more than 15 percent of its average daily attendance for students who are not enrolled in grades 9 to 12, inclusive, if all of the students who are not enrolled in grades 9 to 12, inclusive, are CalWORKs, Temporary Assistance Program, or Job Corps participants, and if the governing board of the regional occupational center or program does all of the following:

(1) Meets with local human services directors, and representatives of adult education programs, community colleges and other institutions of higher education, to assess the needs of CalWORKs, Temporary Assistance Program, or Job Corps and federal ~~Workforce Investment Act~~ *Workforce Innovation and Opportunity Act* participants to identify alternative ways to meet the needs of these adult students.

(2) Enters into a transition plan, approved by the Superintendent, to become in compliance with subdivision (d) in accordance with benchmarks and timelines established in the transition plan. Transition plans shall be established pursuant to guidelines issued by the department, in consultation with the State Department of Social Services, and shall be resubmitted and reviewed annually.

(g) Notwithstanding subdivisions (b), (c), and (d), a regional occupational center or program that claims more than 40 percent of its students are not enrolled in grades 9 to 12, inclusive, on January 1, 2007, shall submit a letter to the Superintendent by July 1 of each year until it complies with this subdivision, outlining the goals of the regional occupational center or program to reduce the

1 number of adult students in order to comply with subdivision (d)
2 on or before July 1, 2013.

3 (h) Regional occupational centers and programs operated in a
4 rural county of the sixth, seventh, or eighth class may exceed the
5 number of adults by an additional 10 percent of the limits
6 established in subdivisions (b), (c), and (d).

7 (i) (1) For purposes of this calculation, adult average daily
8 attendance attributable to continuously enrolled grade 12 pupils
9 who have not passed the high school exit examination pursuant to
10 Section 60851 is excluded from the calculation under this section.
11 Amounts that may become available from reductions resulting
12 from the enactment of this section shall be redirected to other
13 regional occupational centers or programs to serve additional
14 secondary pupils.

15 (2) Adult average daily attendance funding for a regional
16 occupational center or program that has entered into a corrective
17 action plan pursuant to subdivision (k) shall not be redirected to
18 other regional occupational centers or programs to serve additional
19 secondary pupils for up to three years while the regional
20 occupational center or program is in corrective action.

21 (j) The governing boards of a community college district and a
22 regional occupational center or program may enter into contractual
23 agreements under which the center or program provides services
24 to adult students of the community college district affected by this
25 section if both of the following are satisfied:

26 (1) The agreements conform to state regulations and audit
27 requirements jointly developed by the Chancellor of the Office of
28 the California Community Colleges and the State Department of
29 Education, in consultation with, and subject to approval by, the
30 Department of Finance.

31 (2) A course offered for adults pursuant to an agreement entered
32 into pursuant to this subdivision is limited to the same cost per
33 student to the state as if the course were offered at the regional
34 occupational center or program. This subdivision does not authorize
35 the apportionment of funds for community colleges for adult
36 students in excess of the revenue limit for regional occupational
37 centers or programs if a course is deemed eligible for college credit.

38 (k) A regional occupational center or program that fails to meet
39 a timeline established under subdivision (c), (d), or (g) shall meet
40 with the community college, adult education program, or other

1 adult service to identify alternative means of meeting the needs of
2 adult students and shall enter into a corrective action plan
3 administered by the department. The corrective action plan shall
4 be established pursuant to guidelines issued by the department and
5 shall be submitted to the department annually for review.

6 SEC. 5. Section 52520 of the Education Code is amended to
7 read:

8 52520. (a) Every vocational or occupational training program
9 for adults offered by any high school district or unified school
10 district shall be reviewed every two years by the governing board
11 to assure that each program does all of the following:

12 (1) Meets a documented labor market demand.

13 (2) Does not represent unnecessary duplication of other
14 manpower training programs in the area.

15 (3) Is of demonstrated effectiveness as measured by the
16 employment and completion success of its students.

17 (b) Any program that does not meet the requirements of
18 subdivision (a) and the standards promulgated by the governing
19 board shall be terminated within one year.

20 (c) The review process required by this section shall include
21 the review and comments by the local workforce Investment board
22 established pursuant to the ~~Workforce Investment Act of 1998 (29~~
23 ~~U.S.C. Sec. 2801 et seq.)~~, *federal Workforce Innovation and*
24 *Opportunity Act*, and pursuant to ~~(Division Division 8~~
25 ~~(commencing with Section 15000) of the Unemployment Insurance~~
26 ~~Code)~~, *Code*, which review and comments shall occur prior to any
27 decision by the appropriate governing body.

28 SEC. 6. Section 53082 of the Education Code is amended to
29 read:

30 53082. (a) (1) For purposes of this chapter, “local partnership”
31 means a defined system designed to deliver the school-to-career
32 programs funded pursuant to this chapter. A local partnership may
33 include, but is not limited to, a collaborative effort between
34 educators, employers, local government entities, and the public.

35 (2) For purposes of this chapter, “local partnership geographic
36 area” means the geographic area that an established local
37 partnership is designed to serve.

38 (b) To be eligible for a grant pursuant to this chapter, a local
39 entity shall, in the grant application, submit a detailed plan
40 demonstrating the following:

1 (1) All pupils shall be eligible and have access to the activities
2 developed in the geographic region. “All pupils” means every
3 pupil, including, but not limited to, pupils who are college bound,
4 at high risk, disabled pupils, special education pupils, male and
5 female pupils pursuing nontraditional careers, gifted pupils, pupils
6 with limited English proficiency, and economically disadvantaged
7 pupils.

8 (2) The ability to leverage funds and contributions from public
9 and private entities, including, but not limited to, the Improving
10 America’s Schools Act of 1994 (20 U.S.C. Sec. 6301), Carl Perkins
11 Vocational and Technical Education Act of 1998 (20 U.S.C. Sec.
12 2301), and the ~~Workforce Investment Act of 1998 (29 U.S.C. Sec.~~
13 ~~2801)~~ *federal Workforce Innovation and Opportunity Act*.

14 (3) The ability to build on and integrate other beneficial
15 workforce development and educational programs currently
16 operating in the state, including, but not limited to, tech prep
17 programs as provided through the Carl D. Perkins Vocational and
18 Applied Technology Education Amendments of 1998 (P.L.
19 105-332), Partnership Academies established pursuant to Article
20 5 (commencing with Section 54690) of Chapter 9 of Part 29,
21 Regional Occupational Centers and programs established pursuant
22 to Article 1 (commencing with Section 52300) of Chapter 9, Project
23 WorkAbility conducted pursuant to Article 3 (commencing with
24 Section 56470) of Chapter 4.7 of Part 30, youth apprenticeship
25 programs, and adult education programs.

26 (4) The ability to provide school-based learning, work-based
27 learning, and service-based learning at an appropriate level for
28 that local partnership geographic area.

29 (5) A significant level of participation and contributions from
30 business and organized labor, including, but not limited to, internal
31 school-to-career coordinator salaries, pupil wages in paid
32 work-based learning, supplies, and equipment necessary for
33 relevant school-to-career activities.

34 (6) The ability to be as inclusive as possible and engage all
35 interested, appropriate, and relevant parties in the activities of the
36 local partnership. The local partnership shall demonstrate
37 participation from representatives of local educational agencies,
38 representatives of local postsecondary educational institutions,
39 representatives of local vocational education schools, local
40 educators, parent organizations, employers, employer

1 organizations, and organized labor. The Interagency Partnership
2 for School-to-Career Programs may, as it deems necessary, require
3 additional participation from other parties, including, but not
4 limited to, community-based organizations, national trade
5 associations, industrial extension centers, rehabilitation agencies
6 and organizations, proprietary institutions of higher education,
7 local government agencies, parent organizations, teacher
8 organizations, private industry councils, and federally recognized
9 Native American tribes and Native American organizations.

10 (7) An instructional program advising pupils of an employee's
11 and employer's rights and obligations in the workplace.

12 (8) Accountability measurements shall demonstrate increased
13 academic performance, postsecondary enrollment, decreased
14 dropout rates, transition to appropriate employment, apprenticeship,
15 or any other job training school when applicable, and measurements
16 of pupil, parent, and employer satisfaction.

17 SEC. 7. Section 69439 of the Education Code is amended to
18 read:

19 69439. (a) For the purposes of this section, the following terms
20 have the following meanings:

21 (1) "Career pathway" has the same meaning as set forth in
22 Section 88620.

23 (2) "Economic security" has the same meaning as set forth in
24 Section 14005 of the Unemployment Insurance Code.

25 (3) "Industry cluster" has the same meaning as set forth in
26 Section 88620.

27 (4) "Long-term unemployed" means, with respect to an award
28 applicant, a person who has been unemployed for more than 26
29 weeks at the time of submission to the commission of his or her
30 application.

31 (5) "Occupational or technical training" means that phase of
32 education coming after the completion of a secondary school
33 program and leading toward recognized occupational goals
34 approved by the commission.

35 (b) A Cal Grant C award shall be utilized only for occupational
36 or technical training in a course of not less than four months. There
37 shall be the same number of Cal Grant C awards each year as were
38 made in the 2000–01 fiscal year. The maximum award amount
39 and the total amount of funding shall be determined each year in
40 the annual Budget Act.

(c) The commission may use criteria it deems appropriate in selecting students to receive grants for occupational or technical training and shall give special consideration to the social and economic situations of the students applying for these grants, giving additional weight to disadvantaged applicants, applicants who face economic hardship, and applicants who face particular barriers to employment. Criteria to be considered for these purposes shall include, but are not limited to, all of the following:

(1) Family income and household size.

(2) Student's or the students' parent's household status, including whether the student is a single parent or child of a single parent.

(3) The employment status of the applicant and whether the applicant is unemployed, giving greater weight to the long-term unemployed.

(d) The Cal Grant C award recipients shall be eligible for renewal of their grants until they have completed their occupational or technical training in conformance with terms prescribed by the commission. A determination by the commission for a subsequent award year that the program under which a Cal Grant C award was initially awarded is no longer deemed to receive priority shall not affect an award recipient's renewal. In no case shall the grants exceed two calendar years.

(e) Cal Grant C awards may be used for institutional fees, charges, and other costs, including tuition, plus training-related costs, such as special clothing, local transportation, required tools, equipment, supplies, books, and living expenses. In determining the individual award amounts, the commission shall take into account the financial means available to the student to fund his or her course of study and costs of attendance as well as other state and federal programs available to the applicant.

(f) (1) To ensure alignment with the state's dynamic economic needs, the commission, in consultation with appropriate state and federal agencies, including the Economic and Workforce Development Division of the Office of the Chancellor of the California Community Colleges and the California Workforce Investment Board, shall identify areas of occupational and technical training for which students may utilize Cal Grant C awards. The commission, to the extent feasible, shall also consult with representatives of the state's leading competitive and emerging

1 industry clusters, workforce professionals, and career technical
2 educators, to determine which occupational training programs and
3 industry clusters should be prioritized.

4 (2) (A) Except as provided in subparagraph (B), the areas of
5 occupational and technical training developed pursuant to
6 paragraph (1) shall be regularly reviewed and updated at least
7 every five years, beginning in 2012.

8 (B) By January 1, 2016, the commission shall update the priority
9 areas of occupational and technical training.

10 (3) (A) The commission shall give priority in granting Cal
11 Grant C awards to students pursuing occupational or technical
12 training in areas that meet two of the following criteria pertaining
13 to job quality:

14 (i) High employer need or demand for the specific skills offered
15 in the program.

16 (ii) High employment growth in the occupational field or
17 industry cluster for which the student is being trained.

18 (iii) High employment salary and wage projections for workers
19 employed in the occupations for which they are being trained.

20 (iv) The occupation or training program is part of a
21 well-articulated career pathway to a job providing economic
22 security.

23 (B) To receive priority pursuant to subparagraph (A), at least
24 one of the criteria met shall be specified in clause (iii) or (iv) of
25 that subparagraph.

26 (g) The commission shall determine areas of occupational or
27 technical training that meet the criteria described in paragraph (3)
28 of subdivision (f) in consultation with the Employment
29 Development Department, the Economic and Workforce
30 Development Division of the Office of the Chancellor of the
31 California Community Colleges, and the California Workforce
32 Investment Board using projections available through the Labor
33 Market Information Data Library. The commission may supplement
34 the analyses of the Employment Development Department's Labor
35 Market Information Data Library with the labor market analyses
36 developed by the Economic and Workforce Development Division
37 of the Office of the Chancellor of the California Community
38 Colleges and the California Workforce Investment Board, as well
39 as the projections of occupational shortages and skills gap
40 developed by industry leaders. The commission shall publish, and

1 retain, on its Internet Web site a current list of the areas of
2 occupational or technical training that meet the criteria described
3 in paragraph (3) of subdivision (f), and update this list as necessary.

4 (h) Using the best available data, the commission shall examine
5 the graduation rates and job placement data, or salary data, of
6 eligible programs. Commencing with the 2014–15 academic year,
7 the commission shall give priority to Cal Grant C award applicants
8 seeking to enroll in programs that rate high in graduation rates and
9 job placement data, or salary data.

10 (i) (1) The commission shall consult with the Employment
11 Development Department, the Office of the Chancellor of the
12 California Community Colleges, the California Workforce
13 Investment Board, and the local workforce investment boards to
14 develop a plan to publicize the existence of the grant award
15 program to California's long-term unemployed to be used by those
16 consulting agencies when they come in contact with members of
17 the population who are likely to be experiencing long-term
18 unemployment. The outreach plan shall use existing administrative
19 and service delivery processes making use of existing points of
20 contact with the long-term unemployed. The local workforce
21 investment boards are required to participate only to the extent
22 that the outreach efforts are a part of their existing responsibilities
23 under the federal ~~Workforce Investment Act of 1998 (Public Law~~
24 ~~105-220)~~. *Workforce Innovation and Opportunity Act*.

25 (2) The commission shall consult with the Workforce Services
26 Branch of the Employment Development Department, the Office
27 of the Chancellor of the California Community Colleges, the
28 California Workforce Investment Board, and the local workforce
29 investment boards to develop a plan to make students receiving
30 awards aware of job search and placement services available
31 through the Employment Development Department and the local
32 workforce investment boards. Outreach shall use existing
33 administrative and service delivery processes making use of
34 existing points of contact with the students. The local workforce
35 investment boards are required to participate only to the extent
36 that the outreach efforts are a part of their existing responsibilities
37 under the federal ~~Workforce Investment Act of 1998 (Public Law~~
38 ~~105-220)~~. *Workforce Innovation and Opportunity Act*.

39 (j) (1) Notwithstanding Section 10231.5 of the Government
40 Code, the Legislative Analyst's Office shall submit a report to the

1 Legislature on the outcomes of the Cal Grant C program on or
2 before April 1, 2015, and on or before April 1 of each
3 odd-numbered year thereafter. This report shall include, but not
4 necessarily be limited to, information on all of the following:

5 (A) The age, gender, and segment of attendance for recipients
6 in two prior award years.

7 (B) The occupational and technical training program categories
8 prioritized.

9 (C) The number and percentage of students who received
10 selection priority as defined in paragraph (3) of subdivision (f).

11 (D) The extent to which recipients in these award years were
12 successfully placed in jobs that meet local, regional, or state
13 workforce needs.

14 (2) For the report due on or before April 1, 2015, the Legislative
15 Analyst's Office shall include data for two additional prior award
16 years and shall compare the mix of occupational and technical
17 training programs and institutions in which Cal Grant C award
18 recipients enrolled before and after implementation of subdivision
19 (f).

20 (3) A report to be submitted pursuant to this subdivision shall
21 be submitted in compliance with Section 9795 of the Government
22 Code.

23 SEC. 8. Section 84830 of the Education Code is amended to
24 read:

25 84830. (a) The Chancellor of the California Community
26 Colleges and the State Department of Education shall, pursuant to
27 funding made available in the annual Budget Act, jointly provide
28 two-year planning and implementation grants to regional consortia
29 of community college districts and school districts for the purpose
30 of developing regional plans to better serve the educational needs
31 of adults.

32 (1) Eligibility shall be limited to consortia consisting of at least
33 one community college district and at least one school district
34 within the boundaries of the community college district, either of
35 which may serve as the consortium's fiscal agent, as determined
36 by the applicant consortium.

37 (2) If a community college district chooses not to participate in
38 a consortium, a neighboring community college district may form
39 a consortium with school districts within the boundaries of the
40 nonparticipating community college district.

(3) Consortia may include other entities providing adult education courses, including, but not necessarily limited to, correctional facilities, other local public entities, and community-based organizations.

(b) Grant funds provided pursuant to this section shall be used by each regional consortium to create and implement a plan to better provide adults in its region with all of the following:

(1) Elementary and secondary basic skills, including classes required for a high school diploma or high school equivalency certificate.

(2) Classes and courses for immigrants eligible for educational services in citizenship and English as a second language, and workforce preparation classes in basic skills.

(3) Education programs for adults with disabilities.

(4) Short-term career technical education programs with high employment potential.

(5) Programs for apprentices.

(c) (1) The classes and courses described in paragraphs (1) and (2) of subdivision (b) shall distribute basic information on American government and civics that includes, but is not limited to, instruction on all of the following:

(A) Federal, state, and local government.

(B) The three branches of government.

(C) The importance of civic engagement.

(D) Registering to vote.

(2) It is the intent of the Legislature that, consistent with the requirements of Sections 51225.3 and 52555, students enrolled in classes and courses described in paragraphs (1) and (2) of subdivision (b) in which instruction in American government and civics is appropriate shall receive instruction in American government and civics.

(d) Each regional consortium's plan shall include, at a minimum:

(1) An evaluation of current levels and types of adult education programs within its region, including education for adults in correctional facilities; credit, noncredit, and enhanced noncredit adult education coursework; and programs funded through Title II of the federal ~~Workforce Investment Act of 1998~~, *Workforce Innovation and Opportunity Act*, known as the Adult Education and Family Literacy ~~Act (Public Law 105-220)~~. *Act*.

1 (2) An evaluation of current needs for adult education programs
2 within its region.

3 (3) Plans for parties that make up the consortium to integrate
4 their existing programs and create seamless transitions into
5 postsecondary education or the workforce.

6 (4) Plans to address the gaps identified pursuant to paragraphs
7 (1) and (2).

8 (5) Plans to employ approaches proven to accelerate a student's
9 progress toward his or her academic or career goals, such as
10 contextualized basic skills and career technical education, and
11 other joint programming strategies between adult education and
12 career technical education.

13 (6) Plans to collaborate in the provision of ongoing professional
14 development opportunities for faculty and other staff to help them
15 achieve greater program integration and improve student outcomes.

16 (7) Plans to leverage existing regional structures, including, but
17 not necessarily limited to, local workforce investment areas.

18 (e) The Chancellor of the California Community Colleges and
19 the State Department of Education may identify additional elements
20 that consortia must include in a plan.

21 (f) (1) On or before March 1, 2014, the Chancellor of the
22 California Community Colleges and the State Department of
23 Education shall submit a joint report to the Legislature and the
24 Governor. This report shall include, but not necessarily be limited
25 to, both of the following:

26 (A) The status of developing regional consortia across the state,
27 including identification of unserved geographic areas or emerging
28 gaps in regional program delivery.

29 (B) The status and allocation of grant awards made to regional
30 consortia.

31 (2) The report shall be submitted to the Legislature as provided
32 in Section 9795 of the Government Code.

33 (g) (1) On or before March 1, 2015, the Chancellor of the
34 California Community Colleges and the State Department of
35 Education shall submit a joint report to the Legislature and the
36 Governor. This report shall include, but is not limited to, both of
37 the following:

38 (A) The plans developed by regional consortia across the state.

39 (B) Recommendations for additional improvements in the
40 delivery system serving adult learners.

(2) The report shall be submitted to the Legislature as provided in Section 9795 of the Government Code.

(h) It is the intent of the Legislature to work toward developing common policies related to adult education affecting adult schools at local educational agencies and community colleges, including policies on fees and funding levels.

(i) It is the intent of the Legislature to provide additional funding in the 2015–16 fiscal year to regional consortia to expand and improve the provision of adult education.

SEC. 9. Section 88640 of the Education Code is amended to read:

88640. (a) (1) Programs and activities of the Job Development Incentive Training Program shall include a strong partnership with state and local economic development entities, workforce development agencies, community-based organizations, and the private sector. It is the intent of the Legislature that this program provide training on a no-cost or low-cost basis to participating employers who create employment opportunities at an acceptable wage level for the attainment of self-sufficiency by both of the following groups:

(A) Recipients of aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code.

(B) Clients determined to be eligible because they are employed at a wage too low to attain self-sufficiency.

(2) Guidelines for the determination of eligibility under this subdivision shall be developed by the chancellor's office in consultation with the appropriate agencies responsible for collecting appropriate data. A structured career ladder methodology may be implemented in this program area.

(3) Funds received from other eligible programs, including, but not necessarily limited to, programs under the federal ~~Workforce Investment Act of 1998 (Public Law 105-220)~~ *Workforce Innovation and Opportunity Act* and other applicable programs selected by the chancellor, or a combination of programs, may be used to provide funds to match job development incentive training funds.

(b) It is the intent of the Legislature that the expenditure of funds under this section should lead measurably to the upgrading of highly skilled and technical workers, upgrade opportunities for

1 those who are employed at a wage too low to attain self-sufficiency,
2 and the creation of jobs for new entrants into the workforce.

3 SEC. 10. Section 1091.2 of the Government Code is amended
4 to read:

5 1091.2. Section 1090 shall not apply to any contract or grant
6 made by local workforce investment boards created pursuant to
7 the federal ~~Workforce Investment Act of 1998~~ *Workforce*
8 *Innovation and Opportunity Act* except where both of the following
9 conditions are met:

10 (a) The contract or grant directly relates to services to be
11 provided by any member of a local workforce investment board
12 or the entity the member represents or financially benefits the
13 member or the entity he or she represents.

14 (b) The member fails to recuse himself or herself from making,
15 participating in making, or in any way attempting to use his or her
16 official position to influence a decision on the grant or grants.

17 SEC. 11. Section 12803.6 of the Government Code is amended
18 to read:

19 12803.6. (a) The Governor shall authorize the Secretary of the
20 Labor and Workforce Development Agency, in collaboration with
21 the secretary of the California Health and Human Services Agency,
22 to make available the expertise of state employees and programs
23 to support the employment-related needs of individuals with
24 disabilities. Using existing resources, the agencies shall develop
25 a sustainable, comprehensive strategy to do all of the following:

26 (1) Bring individuals with disabilities into gainful employment
27 at a rate that is as close as possible to that of the general population.

28 (2) Support the goals of equality of opportunity, full
29 participation, independent living, and economic self-sufficiency
30 for these individuals.

31 (3) Ensure that state government is a model employer of
32 individuals with disabilities.

33 (4) Support state coordination with, and participation in, benefits
34 planning training and information dissemination projects supported
35 by private foundations and federal grants.

36 (b) The Labor and Workforce Development Agency shall
37 monitor and enforce implementation of Section 188 of the federal
38 ~~Workforce Investment Act of 1998 (29 U.S.C. Sec. 2938).~~
39 *Workforce Innovation and Opportunity Act*.

1 SEC. 12. Section 95501 of the Government Code is amended
2 to read:

3 95501. This title shall become operative upon an appropriation
4 of funds by the Legislature, or the allocation of existing
5 discretionary funds by the Governor pursuant to Section 128(a) of
6 the ~~Workforce Investment Act of 1998 (29 U.S.C. Sec. 2853(a))~~,
7 *federal Workforce Innovation and Opportunity Act*, for the specific
8 stated purpose of establishing the California Savings and Asset
9 Project. This title shall be implemented to the extent that funding
10 is appropriated in the annual Budget Act or any future act by the
11 Legislature, or allocated by the Governor.

12 SEC. 13. Section 4658.7 of the Labor Code is amended to read:

13 4658.7. (a) This section shall apply to injuries occurring on
14 or after January 1, 2013.

15 (b) If the injury causes permanent partial disability, the injured
16 employee shall be entitled to a supplemental job displacement
17 benefit as provided in this section unless the employer makes an
18 offer of regular, modified, or alternative work, as defined in Section
19 4658.1, that meets both of the following criteria:

20 (1) The offer is made no later than 60 days after receipt by the
21 claims administrator of the first report received from either the
22 primary treating physician, an agreed medical evaluator, or a
23 qualified medical evaluator, in the form created by the
24 administrative director pursuant to subdivision (h), finding that
25 the disability from all conditions for which compensation is
26 claimed has become permanent and stationary and that the injury
27 has caused permanent partial disability.

28 (A) If the employer or claims administrator has provided the
29 physician with a job description of the employee's regular work,
30 proposed modified work, or proposed alternative work, the
31 physician shall evaluate and describe in the form whether the work
32 capacities and activity restrictions are compatible with the physical
33 requirements set forth in that job description.

34 (B) The claims administrator shall forward the form to the
35 employer for the purpose of fully informing the employer of work
36 capacities and activity restrictions resulting from the injury that
37 are relevant to potential regular, modified, or alternative work.

38 (2) The offer is for regular work, modified work, or alternative
39 work lasting at least 12 months.

1 (c) The supplemental job displacement benefit shall be offered
2 to the employee within 20 days after the expiration of the time for
3 making an offer of regular, modified, or alternative work pursuant
4 to paragraph (1) of subdivision (b).

5 (d) The supplemental job displacement benefit shall be in the
6 form of a voucher redeemable as provided in this section up to an
7 aggregate of six thousand dollars (\$6,000).

8 (e) The voucher may be applied to any of the following expenses
9 at the choice of the injured employee:

10 (1) Payment for education-related retraining or skill
11 enhancement, or both, at a California public school or with a
12 provider that is certified and on the state's Eligible Training
13 Provider List (EPTL), as authorized by the federal ~~Workforce~~
14 ~~Investment Act (P.L. 105-220)~~, *Workforce Innovation and*
15 *Opportunity Act*, including payment of tuition, fees, books, and
16 other expenses required by the school for retraining or skill
17 enhancement.

18 (2) Payment for occupational licensing or professional
19 certification fees, related examination fees, and examination
20 preparation course fees.

21 (3) Payment for the services of licensed placement agencies,
22 vocational or return-to-work counseling, and résumé preparation,
23 all up to a combined limit of 10 percent of the amount of the
24 voucher.

25 (4) Purchase of tools required by a training or educational
26 program in which the employee is enrolled.

27 (5) Purchase of computer equipment, up to one thousand dollars
28 (\$1,000).

29 (6) Up to five hundred dollars (\$500) as a miscellaneous expense
30 reimbursement or advance, payable upon request and without need
31 for itemized documentation or accounting. The employee shall not
32 be entitled to any other voucher payment for transportation, travel
33 expenses, telephone or Internet access, clothing or uniforms, or
34 incidental expenses.

35 (f) The voucher shall expire two years after the date the voucher
36 is furnished to the employee, or five years after the date of injury,
37 whichever is later. The employee shall not be entitled to payment
38 or reimbursement of any expenses that have not been incurred and
39 submitted with appropriate documentation to the employer prior
40 to the expiration date.

(g) Settlement or commutation of a claim for the supplemental job displacement benefit shall not be permitted under Chapter 2 (commencing with Section 5000) or Chapter 3 (commencing with Section 5100) of Part 3.

(h) The administrative director shall adopt regulations for the administration of this section, including, but not limited to, both of the following:

(1) The time, manner, and content of notices of rights under this section.

(2) The form of a mandatory attachment to a medical report to be forwarded to the employer pursuant to paragraph (1) of subdivision (b) for the purpose of fully informing the employer of work capacities and of activity restrictions resulting from the injury that are relevant to potential regular work, modified work, or alternative work.

(i) An employer shall not be liable for compensation for injuries incurred by the employee while utilizing the voucher.

SEC. 14. Section 999.80 of the Military and Veterans Code is amended to read:

999.80. Any entity, or other entity with which it subcontracts, that receives funding from the federal ~~Workforce Investment Act of 1998 (WIA) (29 U.S.C. Sec. 2801 et seq.)~~, *Workforce Innovation and Opportunity Act*, as identified in Item 7100-001-0869, schedule (4) 61.60 - WIA Removing Barriers for Special Needs Populations, identified for use for veterans, of Section 2.00 of the Budget Act of 2009 (Chapter 1 of the Statutes of the 2009 Third Extraordinary Session), and future budget acts, shall meet the following criteria:

(a) Demonstrate the knowledge, experience, and capacity to provide desired services to veterans.

(b) Demonstrate that the majority of the entity's WIA resources are dedicated to serving the needs of veterans and their families.

SEC. 15. Section 14403 of the Public Resources Code is amended to read:

14403. (a) The corps shall cooperate with, and seek the cooperation of state and local workforce investment boards and youth councils, designated pursuant to the federal ~~Workforce Investment Act (29 U.S.C. Sec. 2801 et seq.)~~ *Workforce Innovation and Opportunity Act* to secure employment and training services for corpsmembers.

1 (b) These employment and training services may include job
2 search assistance, skills training, transitional employment, or any
3 other services provided under the federal ~~Workforce Investment~~
4 ~~Act~~ *Workforce Innovation and Opportunity Act* that would lead
5 to employment for the corpsmember.

6 (c) Employment and training services may be provided to
7 corpsmembers as a component of their work with the corps or
8 upon their termination from the corps.

9 SEC. 16. Section 320.5 of the Unemployment Insurance Code
10 is amended to read:

11 320.5. The director may by authorized regulations prescribe
12 the information required to be reported to the department by
13 employing units under this division and employers subject to
14 withholding tax under Division 6 (commencing with Section
15 13000) in order to make reports required by the Secretary of Labor,
16 to provide information necessary to administer this code, to
17 estimate unemployment rates or to make other estimates required
18 for the purpose of dispensing or withholding money payments
19 under the Welfare Reform Act of 1971, the Employment Security
20 Amendments of 1970, the Emergency Unemployment
21 Compensation Act of 1971, or the ~~Workforce Investment Act of~~
22 ~~1998~~, *federal Workforce Innovation and Opportunity Act*, and to
23 make any other reports or estimates that may be required by any
24 other state or federal law. The authorized regulations of the director
25 may include requirements for the reporting of employment,
26 unemployment, hours, wages, earnings, the location and nature of
27 the industrial, business, or other activity of each establishment for
28 the conduct of business, performance of services, or industrial
29 operations, and such other requirements as are necessary to comply
30 with this section.

31 SEC. 17. Section 325.6 of the Unemployment Insurance Code
32 is amended to read:

33 325.6. (a) It is the intent of the Legislature that state supported
34 Veterans Employment Training services meet the same
35 performance standards as those required by the federal ~~Workforce~~
36 ~~Investment Act~~ *Workforce Innovation and Opportunity Act* for
37 services provided to veterans.

38 (b) Following any fiscal year in which state funds support the
39 Veterans Employment Training services program, the Employment
40 Development Department shall provide an annual report to the

1 Legislature, on or before November 1, regarding the following
2 performance measures:

3 (1) The number of veterans receiving individualized, case
4 managed services.

5 (2) The number of veterans who receive individualized, case
6 managed services entering employment.

7 (3) The retention rate for veterans who enter employment.

8 (4) The average earnings for veterans entering employment.

9 SEC. 18. Section 1177.5 of the Unemployment Insurance Code
10 is amended to read:

11 1177.5. (a) If the director determines that an overpayment has
12 been made to the department by an employing unit or the School
13 Employees Fund because of a reason specified in this subdivision,
14 and the amount of the overpayment has been reimbursed to the
15 state by the federal government pursuant to the federal Workforce
16 Investment Act of 1998, *or the Workforce Innovation and*
17 *Opportunity Act*, then the director shall credit the employing unit
18 or the School Employees Fund with the amount of that
19 overpayment, provided that the director determines that the
20 overpayment was made because of one of the following:

21 (1) An employing unit paid unemployment insurance
22 contributions after December 31, 1974, based on wages paid to
23 individuals participating in a public service employment program
24 under the federal ~~Workforce Investment Act of 1998~~. *Workforce*
25 *Innovation and Opportunity Act*.

26 (2) An employing unit paid amounts after December 31, 1975,
27 pursuant to Section 803 of this part, for benefits awarded based
28 on wages paid to individuals participating in a public service
29 employment program under the federal ~~Workforce Investment Act~~
30 ~~of 1998~~. *Workforce Innovation and Opportunity Act*.

31 (3) Payments were made by the School Employees Fund after
32 December 31, 1975, to the Unemployment Fund pursuant to
33 Section 821 of this part for benefits awarded based on wages paid
34 to individuals participating in a public service employment program
35 under the federal ~~Workforce Investment Act of 1998~~. *Workforce*
36 *Innovation and Opportunity Act*.

37 (b) No overpayment described in subdivision (a) shall be
38 refunded to an employing unit or to the School Employees Fund.

39 SEC. 19. Section 1269 of the Unemployment Insurance Code
40 is amended to read:

1 1269. A determination of automatic eligibility for benefits
2 under this article shall be issued to an unemployed individual if
3 the director finds that any of the following applies:

4 (a) The training is authorized by the federal ~~Workforce~~
5 ~~Investment Act of 1998 (Public Law 105-220)~~ *Workforce*
6 *Innovation and Opportunity Act* or by the Employment Training
7 Panel established pursuant to Chapter 3.5 (commencing with
8 Section 10200) of Part 1 of Division 3.

9 (b) The training is authorized by the federal Trade Act of 1974
10 (19 U.S.C. Sec. 2101 et seq.), as amended by the federal Trade
11 Act of 2002 (Public Law 107-210), and as those acts may be
12 amended by the federal Trade and Globalization Adjustment
13 Assistance Act of 2009, enacted under the federal American
14 Recovery and Reinvestment Act of 2009 (Public Law 111-5),
15 pursuant to a certified petition.

16 (c) The individual is a participant in the California Work
17 Opportunity and Responsibility to Kids (CalWORKs) program
18 pursuant to Article 3.2 (commencing with Section 11320) of
19 Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions
20 Code, and has entered into a contract with the county welfare
21 department to participate in an education or training program.

22 (d) (1) The individual is a participant in training with a provider
23 that is certified and on the state's Eligible Training Provider List
24 (ETPL), as authorized by the federal ~~Workforce Investment Act~~
25 ~~of 1998 (Public Law 105-220)~~; *Workforce Innovation and*
26 *Opportunity Act*, or is a permanent or probationary public school
27 teacher who is a participant in a credential preparation program
28 or training program approved or accredited by the Commission
29 on Teacher Credentialing for additional certification in math,
30 science, or special education, for kindergarten and grades 1 to 12,
31 inclusive, and was laid off. The credential preparation program or
32 training program shall only be approved if a permanent or
33 probationary public school teacher enrolls in the training within
34 three years of being laid off from the public school employer.

35 (2) The changes made to this subdivision by the act adding this
36 paragraph shall become operative on January 1, 2014.

37 (e) The individual is a journey level union member and the
38 training or retraining course of instruction is industry-related
39 training necessary due to changes in technology, or industry

1 demands, or is necessary to retain employment or to become more
2 competitive in obtaining employment.

3 SEC. 20. Section 1279.5 of the Unemployment Insurance Code,
4 as added by Section 2 of Chapter 141 of the Statutes of 2013, is
5 amended to read:

6 1279.5. (a) As used in this section:

7 (1) “Affected unit” means a specified plant, department, shift,
8 or other definable unit that includes two or more workers and not
9 less than 10 percent of the employer’s regular permanent work
10 force involved in the affected unit or units in each week, or in at
11 least one week of a two-consecutive-week period, to which an
12 approved work sharing plan applies.

13 (2) “Health and retirement benefits” means employer-provided
14 health benefits and retirement benefits under a defined benefit
15 pension plan, as defined in Section 414(j) of the Internal Revenue
16 Code, or contributions under a defined contribution plan, as defined
17 in Section 414(i) of the Internal Revenue Code, that are incidents
18 of employment in addition to the cash remuneration earned.

19 (3) “Work sharing compensation” means the unemployment
20 compensation benefits payable to employees in an affected unit
21 under an approved work sharing plan, as distinguished from the
22 unemployment compensation benefits otherwise payable under
23 this part.

24 (4) “Work sharing plan” means a plan submitted by an employer,
25 for approval by the director, under which the employer requests
26 the payment of work sharing compensation to employees in an
27 affected unit of the employer in lieu of layoffs.

28 (5) “Work sharing program” means the program described by
29 this section.

30 (6) “Usual weekly hours of work” means the usual hours of
31 work for full- or part-time employees in the affected unit when
32 that unit is operating on its regular basis, not to exceed 40 hours
33 and not including hours of overtime work.

34 (7) “Unemployment compensation” means the unemployment
35 compensation benefits payable under this part other than work
36 sharing compensation and includes amounts payable pursuant to
37 an agreement under federal law providing for compensation,
38 assistance, or allowances with respect to unemployment.

39 (b) Notwithstanding Section 1252 or 1252.2 or any other
40 provision of this part, for the purposes of this section an employee

1 is “unemployed” in any week if the employee works less than his
2 or her usual weekly hours of work for the employee’s regular
3 employer, as the result of the regular employer’s participation in
4 a work sharing plan that meets the requirements of this section
5 and has been approved by the director, pursuant to which the
6 employer, in lieu of layoff, reduces employment and stabilizes the
7 workforce.

8 (c) An employer wishing to participate in the work sharing
9 program, on and after July 1, 2014, shall submit a signed written
10 work sharing plan to the director for approval. The director shall
11 develop an application form to request approval of a work sharing
12 plan and an approval process that meets the requirements of this
13 section. The application shall include, but is not limited to, the
14 following:

15 (1) The affected unit covered by the plan, including the number
16 of full- or part-time employees in the unit, the percentage of
17 employees in the affected unit covered by the plan, identification
18 of each individual employee in the affected unit by name, social
19 security number, and the employer’s unemployment tax account
20 number and any other information required by the director to
21 identify plan participants.

22 (2) A description of how employees in the affected unit will be
23 notified of the employer’s participation in the work sharing plan
24 if the application is approved, including how the employer will
25 notify those employees in a collective bargaining unit as well as
26 any employees in the affected unit who are not in a collective
27 bargaining unit. If the employer does not intend to provide advance
28 notice to employees in the affected unit, the employer shall explain
29 in a statement in the application why it is not feasible to provide
30 that notice.

31 (3) A requirement that the employer identify, in the application,
32 the usual weekly hours of work for employees in the affected unit
33 and the specific percentage by which their hours will be reduced
34 during all weeks covered by the plan. The percentage of reduction
35 of usual weekly hours of work for which a work sharing plan may
36 be approved shall not be less than 10 percent or more than 60
37 percent. If the plan includes any week for which the employer
38 regularly does not provide work, including, but not limited to,
39 incidences due to a holiday or plant closing, then that week shall
40 be identified in the application.

1 (4) (A) Except as provided in subparagraph (B), certification
2 by the employer, if the employer provides health and retirement
3 benefits to any employee whose usual weekly hours of work are
4 to be reduced under the plan, that the benefits will continue to be
5 provided, to the extent permitted by federal law, to employees
6 participating in the work sharing plan under the same terms and
7 conditions as though the usual weekly hours of work of these
8 employees had not been reduced or to the same extent as other
9 employees not participating in the work sharing plan. For defined
10 benefit retirement plans, to the extent permitted by federal law,
11 the hours that are reduced under the work sharing plan shall be
12 credited for purposes of participation, vesting, and accrual of
13 benefits as though the usual weekly hours of work had not been
14 reduced. The dollar amount of employer contributions to a defined
15 contribution plan that are based on a percentage of compensation
16 may be less due to the reduction in the employee's compensation.

17 (B) If a reduction in health and retirement benefits is scheduled
18 to occur during the duration of the plan and those reductions will
19 be applied equally to employees who are not participating in the
20 work sharing program, then the application shall so certify, and
21 those benefits may be reduced for those employees who are
22 participating in the work sharing plan.

23 (5) Certification by the employer that the aggregate reduction
24 in work hours is in lieu of temporary or permanent layoffs, or both.
25 The application shall include an estimate of the number of workers
26 who would have been laid off in the absence of the work sharing
27 plan.

28 (6) Agreement by the employer to do all of the following:

29 (A) Furnish reports to the director relating to the proper conduct
30 of the plan.

31 (B) Allow the director or his or her authorized representatives
32 access to all records necessary to approve or disapprove the plan
33 application.

34 (C) After approval of a plan, monitor and evaluate the plan.

35 (D) Follow any other directives the director deems necessary
36 for the department to implement the plan and that are consistent
37 with the requirements for plan applications.

38 (7) Certification by the employer that participation in the work
39 sharing plan and its implementation is consistent with the
40 employer's obligations under applicable federal and state laws.

1 (8) The effective date and duration of the plan, which shall not
2 be later than the end of the 12th full calendar month after the
3 effective date.

4 (9) Any other provision added to the application by the director
5 that the United States Secretary of Labor determines to be
6 appropriate for purposes of a work sharing plan.

7 (d) The director shall approve or disapprove a work sharing
8 plan in writing by the close of business no later than 10 working
9 days from the date the completed plan is received and communicate
10 the decision to the employer. A decision disapproving the plan
11 shall clearly identify the reasons for the disapproval. Within 20
12 days, the employer may submit a request for review of the
13 disapproved work sharing plan to the director's work sharing
14 administrator, whom the director shall designate for this purpose.
15 After review, the work sharing administrator's decision of approval
16 or disapproval shall be final. If disapproved, the employer may
17 submit a different work sharing plan for approval.

18 (e) The director shall work with the employer to determine the
19 effective date of a work sharing plan, which shall be specified in
20 the notice of approval to the employer. The plan shall expire on
21 the date specified in the notice of approval, which shall be either
22 the date at the end of the 12th full calendar month after its effective
23 date or an earlier date mutually agreed upon by the employer and
24 the director. However, if a work sharing plan is revoked by the
25 director under subdivision (f) of this section, the plan shall
26 terminate on the date specified in the director's written order of
27 revocation. An employer may terminate a work sharing plan at
28 any time upon written notice to the director. An employer may
29 submit an application to renew the work sharing plan not more
30 than 10 days after a previously approved work sharing plan expires.

31 (f) The director may revoke approval of a work sharing plan
32 for good cause at any time. The revocation order shall be in writing
33 and shall specify the reasons for the revocation and the date the
34 revocation is effective. The director may periodically review the
35 operation of an employer's work sharing plan to ensure that good
36 cause does not exist for revocation of the approval of the plan. For
37 purposes of these provisions, good cause includes, but is not limited
38 to, failure to comply with the assurances given in the plan,
39 unreasonable revision of productivity standards for the affected
40 unit, conduct or occurrences tending to defeat the intent and

1 effective operation of the work sharing plan, and violation of any
2 criteria on which approval of the plan was based.

3 (g) An employer may request a modification of an approved
4 plan by filing a written request to the director. The request shall
5 identify the specific provisions proposed to be modified and
6 provide an explanation of why the proposed modification is
7 appropriate for the work sharing plan. The director shall approve
8 or disapprove the proposed modification in writing by the close
9 of business no later than 10 working days from the date the
10 proposed modification is received and communicate the decision
11 to the employer. The director, in his or her discretion, may approve
12 a request for modification of the plan based on conditions that
13 have changed since the plan was approved, provided that the
14 modification is consistent with and supports the purposes for which
15 the plan was initially approved. A modification does not extend
16 the expiration date of the original plan, and the director shall
17 promptly notify the employer whether the plan modification has
18 been approved and, if approved, the effective date of the
19 modification, which shall not be earlier than the effective date of
20 the original work sharing plan. An employer is not required to
21 request approval of a plan modification from the director if the
22 change is not substantial, but the employer shall promptly report,
23 in writing, every change to the plan to the director. The director
24 may terminate an employer's plan if the employer fails to meet
25 this reporting requirement. If the director determines that the
26 reported change is substantial, the director shall require the
27 employer to request a modification to the plan.

28 (h) (1) An employee is eligible to receive work sharing
29 compensation with respect to any week only if the employee is
30 monetarily eligible for unemployment compensation, not otherwise
31 disqualified for unemployment compensation, and both of the
32 following are true:

33 (A) During the week, the employee is employed as a member
34 of an affected unit under an approved work sharing plan, which
35 was approved prior to that week, and the plan is in effect with
36 respect to the week for which work sharing compensation is
37 claimed.

38 (B) Notwithstanding any other provisions relating to availability
39 for work and actively seeking work, the employee is available for
40 the employee's usual hours of work with the work sharing

1 employer, which may include, for purposes of this section,
2 participating in training to enhance job skills that is approved by
3 the director, such as employer-sponsored training or training funded
4 under the federal ~~Workforce Investment Act of 1998 (29 U.S.C.~~
5 ~~Sec. 2801 et seq.)~~. *Workforce Innovation and Opportunity Act*.

6 (2) Notwithstanding any other provision of law, an employee
7 covered by a work sharing plan is deemed unemployed in any
8 week during the duration of that plan if the employee's
9 remuneration as an employee in an affected unit is reduced based
10 on a reduction of the employee's usual weekly hours of work under
11 an approved work sharing plan.

12 (i) For the purposes of this section, an employee shall not be
13 disqualified under subdivision (c) of Section 1253 for any week
14 if both of the following conditions exist:

15 (1) The employee has not been absent from work without the
16 approval of the regular employer.

17 (2) The employee accepted all work the regular employer made
18 available to the individual during hours scheduled off due to the
19 work sharing plan.

20 (j) The work sharing weekly compensation amount shall be the
21 product of the regular weekly unemployment compensation amount
22 for a week of total unemployment multiplied by the percentage of
23 reduction in the individual's usual weekly hours of work.

24 (k) (1) Provisions applicable to unemployment compensation
25 shall apply to employees in a work sharing plan to the extent that
26 they are not inconsistent with work sharing program provisions.
27 An employee who files an initial claim for work sharing
28 compensation shall receive a monetary determination. An employee
29 may be eligible for work sharing compensation or unemployment
30 compensation, as appropriate, except that an employee shall not
31 be eligible for combined benefits in any benefit year in an amount
32 more than the maximum entitlement established for regular
33 unemployment compensation, nor shall an employee be paid work
34 sharing benefits for more than 52 weeks under a work sharing
35 plan.

36 (2) An employee who is not provided any work during a week
37 by the work sharing employer, or any other employer, and who is
38 otherwise eligible for unemployment compensation, shall be
39 eligible for the amount of regular unemployment compensation to
40 which he or she would otherwise be eligible.

1 (3) An employee who is not provided any work by the work
2 sharing employer during a week, but who works for another
3 employer and is otherwise eligible, may be paid unemployment
4 compensation for that week subject to the disqualifying income
5 and other provisions applicable to claims for regular unemployment
6 compensation.

7 (4) The work sharing compensation paid to an employee shall
8 be deducted from the maximum entitlement amount of regular
9 unemployment compensation established for that employee's
10 benefit year.

11 (5) An employee who has received all of the work sharing
12 compensation or combined unemployment compensation and work
13 sharing compensation available in a benefit year shall be considered
14 an exhaustee for purposes of extended benefits and, if otherwise
15 eligible under those provisions, shall be eligible to receive extended
16 benefits.

17 (6) No employee who receives any benefits under this section
18 during any benefit year shall receive any benefits pursuant to
19 Section 1252 or 1252.2 as a partially unemployed individual with
20 respect to any week during a benefit year while in employment
21 status with the regular employer who initiated the work sharing
22 plan under this section.

23 (7) Sections 1253.5 and 1279 shall not apply to any individual
24 eligible for any payment under this section.

25 (l) Any amount payable under this section shall be reduced by
26 the amount of any and all compensation payable for personal
27 services, whether performed as an employee or an independent
28 contractor or as a juror or as a witness, except compensation
29 payable by the regular employer under a work sharing plan. For
30 the purposes of this subdivision, "regular employer" may include,
31 pursuant to an approved plan, a labor organization that periodically
32 employs individuals in accordance with a collective bargaining
33 agreement.

34 (m) Work sharing compensation shall be charged to employers'
35 experience rating accounts in the same manner as unemployment
36 compensation is charged under this part. Employers liable for
37 payments in lieu of contributions shall have work sharing
38 compensation attributed to service in their employ in the same
39 manner as unemployment compensation is attributed.

1 (n) The benefit payment under this section, if not a multiple of
2 one dollar (\$1), shall be increased to the next higher multiple of
3 one dollar (\$1).

4 (o) Except as otherwise provided by or inconsistent with this
5 section, all provisions of this division and authorized regulations
6 apply to benefits under this section. Authorized regulations may,
7 to the extent permitted by federal law, make those distinctions and
8 requirements as may be necessary in the procedures and provisions
9 applicable to unemployed individuals to carry out the purposes of
10 this section, including, but not limited to, regulations defining
11 normal hours, days, workweeks, and wages.

12 (p) Employees shall not be eligible to receive any benefits under
13 this section unless their employer agrees, in writing, and their
14 bargaining agent pursuant to any applicable collective bargaining
15 agreement agrees, in writing, to voluntarily participate in the work
16 sharing program created by this section.

17 (q) Notwithstanding Section 1327, the department shall not be
18 required to notify an employer of additional claims that result from
19 an approved plan submitted by the employer under which benefits
20 are not paid in each week.

21 (r) This section shall become operative on July 1, 2014. This
22 section shall apply to work sharing plans that become effective on
23 or after July 1, 2014.

24 SEC. 21. Section 2051 of the Unemployment Insurance Code
25 is amended to read:

26 2051. The State of California accepts the provisions of the
27 Wagner-Peyser Act, approved June 6, 1933, as amended by the
28 ~~Workforce Investment Act of 1998 (Public Law 105-220)~~ *federal*
29 *Workforce Innovation and Opportunity Act* passed by the Congress
30 of the United States, and entitled "An act to provide for the
31 establishment of a national employment system and for cooperation
32 with the states in the promotion of the system, and for other
33 purposes," in conformity with Section 4 thereof, and will observe
34 and comply with the requirements of that act.

35 The department is the agency of this state for the purposes of
36 that act.

37 SEC. 22. Section 9600.7 of the Unemployment Insurance Code
38 is amended to read:

39 9600.7. (a) The department shall have the authority to
40 administer the requirements of the federal ~~Workforce Investment~~

1 ~~Act of 1998~~ *Workforce Innovation and Opportunity Act* including,
2 but not limited to, establishing accounting, monitoring, auditing,
3 and reporting procedures and criteria in order to ensure state
4 compliance with the objectives and requirements of the federal
5 ~~Workforce Investment Act~~. *Workforce Innovation and Opportunity*
6 *Act*.

7 (b) The department shall adopt, amend, or repeal any rules and
8 regulations as necessary to implement Division 7 (commencing
9 with Section 14000).

10 SEC. 23. Section 9809.5 of the Unemployment Insurance Code
11 is amended to read:

12 9809.5. Each grant recipient shall report to the director on other
13 participant outcomes as required by the Governor under Section
14 122(h) of the federal ~~Workforce Investment Act of 1998~~. *Workforce*
15 *Innovation and Opportunity Act*.

16 SEC. 24. Section 10200 of the Unemployment Insurance Code
17 is amended to read:

18 10200. The Legislature finds and declares the following:

19 (a) California's economy is being challenged by competition
20 from other states and overseas. In order to meet this challenge,
21 California's employers, workers, labor organizations, and
22 government need to invest in a skilled and productive workforce,
23 and in developing the skills of frontline workers. For purposes of
24 this section, "frontline worker" means a worker who directly
25 produces or delivers goods or services.

26 The purpose of this chapter is to establish a strategically designed
27 employment training program to promote a healthy labor market
28 in a growing, competitive economy that shall fund only projects
29 that meet the following criteria:

30 (1) Foster creation of high-wage, high-skilled jobs, or foster
31 retention of high-wage, high-skilled jobs in manufacturing and
32 other industries that are threatened by out-of-state and global
33 competition, including, but not limited to, those industries in which
34 targeted training resources for California's small and medium-sized
35 business suppliers will increase the state's competitiveness to
36 secure federal, private sector, and other nonstate funds. In addition,
37 provide for retraining contracts in companies that make a monetary
38 or in-kind contribution to the funded training enhancements.

1 (2) Encourage industry-based investment in human resources
2 development that promotes the competitiveness of California
3 industry through productivity and product quality enhancements.

4 (3) Result in secure jobs for those who successfully complete
5 training. All training shall be customized to the specific
6 requirements of one or more employers or a discrete industry and
7 shall include general skills that trainees can use in the future.

8 (4) Supplement, rather than displace, funds available through
9 existing programs conducted by employers and government-funded
10 training programs, such as the ~~Workforce Investment Act of 1998~~
11 ~~(29 U.S.C. Sec. 2801 et seq.)~~, *federal Workforce Innovation and*
12 *Opportunity Act*, the Carl D. Perkins Vocational Education Act
13 (Public Law 98-524), CalWORKs (Chapter 2 (commencing with
14 Section 11200) of Part 3 of Division 9 of the Welfare and
15 Institutions Code), ~~the Enterprise Zone Act (Chapter 12.8~~
16 ~~(commencing with Section 7070) of Division 7 of Title 1 of the~~
17 ~~Government Code)~~, and the McKinney-Vento Homeless Assistance
18 Act (42 U.S.C. Sec. 11301 et seq.), the California Community
19 Colleges Economic Development Program, or apportionment funds
20 allocated to the community colleges, regional occupational centers
21 and programs, or other local educational agencies. In addition, it
22 is further the intention of the Legislature that programs developed
23 pursuant to this chapter shall not replace, parallel, supplant,
24 compete with, or duplicate in any way already existing approved
25 apprenticeship programs.

26 (b) The Employment Training Panel, in funding projects that
27 meet the requirements of subdivision (a), shall give funding priority
28 to those projects that best meet the following goals:

29 (1) Result in the growth of the California economy by
30 stimulating exports from the state and the production of goods and
31 services that would otherwise be imported from outside the state.

32 (2) Train new employees of firms locating or expanding in the
33 state that provide high-skilled, high-wage jobs and are committed
34 to an ongoing investment in the training of frontline workers.

35 (3) Develop workers with skills that prepare them for the
36 challenges of a high performance workplace of the future.

37 (4) Train workers who have been displaced, have received
38 notification of impending layoff, or are subject to displacement,
39 because of a plant closure, workforce reduction, changes in

1 technology, or significantly increasing levels of international and
2 out-of-state competition.

3 (5) Are jointly developed by business management and worker
4 representatives.

5 (6) Develop career ladders for workers.

6 (7) Promote the retention and expansion of the state's
7 manufacturing workforce.

8 (c) The program established through this chapter is to be
9 coordinated with all existing employment training programs and
10 economic development programs, including, but not limited to,
11 programs such as the ~~Workforce Investment Act of 1998 (29 U.S.C.~~
12 ~~Sec. 2801 et seq.)~~, *federal Workforce Innovation and Opportunity*
13 *Act*, the California Community Colleges, the regional occupational
14 programs, vocational education programs, joint labor-management
15 training programs, and related programs under the Employment
16 Development Department and the Governor's Office of Business
17 and Economic Development, and the Business, Consumer Services,
18 and Housing Agency.

19 SEC. 25. Section 10204 of the Unemployment Insurance Code
20 is amended to read:

21 10204. The panel shall coordinate its programs with local and
22 state workforce investment boards and other partners of the federal
23 ~~Workforce Investment Act of 1998~~. *Workforce Innovation and*
24 *Opportunity Act*. This coordination shall include, but not be limited
25 to, the adoption of a plan, including regular sharing of data, for
26 the coordination of training authorized pursuant to this chapter
27 with programs administered under Division 8 (commencing with
28 Section 15000).

29 SEC. 26. Section 10205 of the Unemployment Insurance Code
30 is amended to read:

31 10205. The panel shall do all of the following:

32 (a) Establish a three-year plan that shall be updated annually,
33 based on the demand of employers for trained workers, changes
34 in the state's economy and labor markets, and continuous reviews
35 of the effectiveness of panel training contracts. The updated plan
36 shall be submitted to the Governor and the Legislature not later
37 than January 1 of each year. In carrying out this section, the panel
38 shall review information in the following areas:

39 (1) Labor market information, including the state-local labor
40 market information program in the Employment Development

1 Department and other relevant regional or statewide initiatives and
2 collaboratives.

3 (2) Evaluations of the effectiveness of training as measured by
4 increased security of employment for workers and benefits to the
5 California economy.

6 (3) The demand for training by industry, type of training, and
7 size of employer.

8 (4) Changes in skills necessary to perform jobs, including
9 changes in basic literacy skills.

10 (5) Changes in the demographics of the labor force and the
11 population entering the labor market.

12 (6) Proposed expenditures by other agencies of federal
13 ~~Workforce Investment Act~~ *Workforce Innovation and Opportunity*
14 *Act* funds and other state and federal training and vocational
15 education funds on eligible participants.

16 (b) Maintain a system to continuously monitor economic and
17 other data required under this plan. If this data changes significantly
18 during the life of the plan, the plan shall be amended by the panel.
19 Each plan shall include all of the following:

20 (1) The panel's objectives with respect to the criteria and
21 priorities specified in Section 10200 and the distribution of funds
22 between new-hire training and retraining.

23 (2) The identification of specific industries, production and
24 quality control techniques, and regions of the state where
25 employment training funds would most benefit the state's economy
26 and plans to encourage training in these areas, including specific
27 standards and a system for expedited review of proposals that meet
28 the standards.

29 (3) A system for expedited review of proposals that are
30 substantially similar with respect to employer needs, training
31 curriculum, duration of training, and costs of training, in order to
32 encourage the development of proposals that meet the needs
33 identified in paragraph (2).

34 (4) The panel's goals, operational objectives, and strategies to
35 meet the needs of small businesses, including, but not limited to,
36 those small businesses with 100 or fewer employees. These
37 strategies proposed by the panel may include, but not be limited
38 to, pilot demonstration projects designed to identify potential
39 barriers that small businesses may experience in accessing panel

1 programs and workforce training resources, including barriers that
2 may exist within small businesses.

3 (5) The research objectives of the panel that contribute to the
4 effectiveness of this chapter in benefiting the economy of the state
5 as a whole.

6 (6) A priority list of skills or occupations that are in such short
7 supply that employers are choosing to not locate or expand their
8 businesses in the state or are importing labor in response to these
9 skills shortages.

10 (7) A review of the panel's efforts to coordinate with the
11 California Workforce Investment Board and local boards to achieve
12 an effective and coordinated approach in the delivery of the state's
13 workforce resources.

14 (A) The panel will consider specific strategies to achieve this
15 goal that include the development of initiatives to engage local
16 workforce investment boards in enhancing the utilization of panel
17 training resources by companies in priority sectors, special
18 populations, and in geographically underserved areas of the state.

19 (B) Various approaches to foster greater program integration
20 between workforce investment boards and the panel will also be
21 considered, which may include marketing agreements, expanded
22 technical assistance, modification of program regulations and
23 policy, and expanded use of multiple employer contracts.

24 (c) Solicit proposals and write contracts on the basis of proposals
25 made directly to it. Contracts for the purpose of providing
26 employment training may be written with any of the following:

27 (1) An employer or group of employers.

28 (2) A training agency.

29 (3) A local workforce investment board with the approval of
30 the appropriate local elected officials in the local workforce
31 investment area.

32 (4) A grant recipient or administrative entity selected pursuant
33 to the federal ~~Workforce Investment Act of 1998~~, *Workforce*
34 *Innovation and Opportunity Act*, with the approval of the local
35 workforce investment board and the appropriate local elected
36 officials.

37 These contracts shall be in the form of fixed-fee performance
38 contracts. Notwithstanding any provision of law to the contrary,
39 contracts entered into pursuant to this chapter shall not be subject
40 to competitive bidding procedures. Contracts for training may be

1 written for a period not to exceed 24 months for the purpose of
2 administration by the panel and the contracting employer or any
3 group of employers acting jointly or any training agency for the
4 purpose of providing employment training.

5 (d) Fund training projects that best meet the priorities identified
6 annually. In doing so, the panel shall seek to facilitate the
7 employment of the maximum number of eligible participants.

8 (e) Establish minimum standards for the consideration of
9 proposals, which shall include, but not be limited to, evidence of
10 labor market demand, the number of jobs available, the skill
11 requirements for the identified jobs, the projected cost per person
12 trained, hired, and retained in employment, the wages paid
13 successful trainees upon placement, and the curriculum for the
14 training. No proposal shall be considered or approved that proposes
15 training for employment covered by a collective bargaining
16 agreement unless the signatory labor organization agrees in writing.

17 (f) Ensure the provision of adequate fiscal and accounting
18 controls for, monitoring and auditing of, and other appropriate
19 technical and administrative assistance to, projects funded by this
20 chapter.

21 (g) Provide for evaluation of projects funded by this chapter.
22 The evaluations shall assess the effectiveness of training previously
23 funded by the panel to improve job security and stability for
24 workers, and benefit participating employers and the state's
25 economy, and shall compare the wages of trainees in the 12-month
26 period prior to training as well as the 12-month period subsequent
27 to completion of training, as reflected in the department's
28 unemployment insurance tax records. Individual project evaluations
29 shall contain a summary description of the project, the number of
30 persons entering training, the number of persons completing
31 training, the number of persons employed at the end of the project,
32 the number of persons still employed three months after the end
33 of the project, the wages paid, the total costs of the project, and
34 the total reimbursement received from the Employment Training
35 Fund.

36 (h) Report annually to the Legislature, by November 30, on
37 projects operating during the previous state fiscal year. These
38 annual reports shall provide separate summaries of all of the
39 following:

1 (1) Projects completed during the year, including their individual
2 and aggregate performance and cost.

3 (2) Projects not completed during the year, briefly describing
4 each project and identifying approved contract amounts by contract
5 and for this category as a whole, and identifying any projects in
6 which funds are expected to be disencumbered.

7 (3) Projects terminated prior to completion and the reasons for
8 the termination.

9 (4) A description of the amount, type, and effectiveness of
10 literacy training funded by the panel.

11 (5) Results of complete project evaluations.

12 (6) A description of pilot projects, and the strategies that were
13 identified through these projects, to increase access by small
14 businesses to panel training contracts.

15 (7) A listing of training projects that were funded in high
16 unemployment areas and a detailed description of the policies and
17 procedures that were used to designate geographic regions and
18 municipalities as high unemployment areas.

19 In addition, based upon its experience in administering job
20 training projects, the panel shall include in these reports policy
21 recommendations concerning the impact of job training and the
22 panel's program on economic development, labor-management
23 relations, employment security, and other related issues.

24 (i) Conduct ongoing reviews of panel policies with the goal of
25 developing an improved process for developing, funding, and
26 implementing panel contracts as described in this chapter.

27 (j) Expedite the processing of contracts for firms considering
28 locating or expanding businesses in the state, in accordance with
29 the priorities for employment training programs set forth in
30 subdivision (b) of Section 10200.

31 (k) Coordinate and consult regularly with business groups and
32 labor organizations, the California Workforce Investment Board,
33 the State Department of Education, the office of the Chancellor of
34 the California Community Colleges, and the Employment
35 Development Department.

36 (l) Adopt by regulation procedures for the conduct of panel
37 business, including the scheduling and conduct of meetings, the
38 review of proposals, the disclosure of contacts between panel
39 members and parties at interest concerning particular proposals,
40 contracts or cases before the panel or its staff, the awarding of

1 contracts, the administration of contracts, and the payment of
2 amounts due to contractors. All decisions by the panel shall be
3 made by resolution of the panel and any adverse decision shall
4 include a statement of the reason for the decision.

5 (m) Adopt regulations and procedures providing reasonable
6 confidentiality for the proprietary information of employers seeking
7 training funds from the panel if the public disclosure of that
8 information would result in an unfair competitive disadvantage to
9 the employer supplying the information. The panel may not
10 withhold information from the public regarding its operations,
11 procedures, and decisions that would otherwise be subject to
12 disclosure under the California Public Records Act (Chapter 3.5
13 (commencing with Section 6250) of Division 7 of Title 1 of the
14 Government Code).

15 (n) Review and comment on the budget and performance of any
16 program, project, or activity funded by the panel utilizing funds
17 collected pursuant to Section 976.6.

18 SEC. 27. Section 11024 of the Unemployment Insurance Code
19 is amended to read:

20 11024. (a) The program model for implementation of the
21 Caregiver Training Initiative shall consist of a solicitation and
22 competitive selection process to identify proposals from regional
23 collaborative programs that offer the best solutions to removing
24 barriers for attracting and retaining qualified health care providers,
25 such as certified nurse assistants, certified nurses, registered nurses,
26 licensed vocational nurses, and other types of nursing and direct
27 care staff.

28 (b) Proposals for funding under the initiative submitted by
29 regional collaborative programs shall address all of the following
30 topics:

31 (1) Marketing and outreach strategies that will attract eligible
32 participants to begin careers in the health care provider industry
33 and promote public awareness, especially among employers, to
34 the opportunity to hire trained health care providers.

35 (2) Collaboration and agreements with state and local agency
36 partners to help identify, refer, and provide services to eligible
37 participants.

38 (3) Development and use of innovative training strategies,
39 coupled with industry cooperation, to provide matching career
40 paths that will enable participants to advance in the health care

1 industry, including in nursing occupations such as certified nurse
2 assistants, certified nurses, registered nurses, and licensed
3 vocational nurses.

4 (4) Strategies for providing incentives to health care employers
5 to hire program participants, such as taking advantage of existing
6 tax credits, and incentives for participants to remain in and graduate
7 from the program, such as postemployment training and support
8 components.

9 (5) Leveraging additional resources to support activities that
10 are not allowable with local welfare-to-work (Article 3.2
11 (commencing with Section 11320) of Chapter 1 of Part 3 of
12 Division 9 of the Welfare and Institutions Code) funds and
13 ~~Workforce Investment Act of 1998 (29 U.S.C. Sec. 2801, et seq.)~~
14 *federal Workforce Innovation and Opportunity Act* funds and that
15 will provide flexibility in serving participants.

16 (c) The regional collaborative programs that compete for
17 contracts under the initiative may include partnerships of any
18 combination of local governmental entities, private nonprofit
19 entities, and employer or employee groups. In order to ensure
20 oversight for funds used in these contracts, fiscal agents
21 representing these collaborative programs shall demonstrate all of
22 the following:

23 (1) The capacity to retain fiduciary responsibility for funds.

24 (2) That the fiscal agent was chosen by agreement of
25 collaborating partners.

26 (3) Previous experience using public funds for similar projects.

27 (4) The ability to properly account for and administer funds.

28 SEC. 28. Section 14002 of the Unemployment Insurance Code
29 is amended to read:

30 14002. (a) The Legislature finds and declares that screening
31 designed to detect unidentified disabilities, including learning
32 disabilities, improves workforce preparation and enhances the use
33 of employment and training resources.

34 (b) ~~Section 134(d)(2)~~ *Section 134(c)(2)(iii)* of the federal
35 ~~Workforce Investment Act (29 U.S.C. Sec. 2864(d)(2))~~ *Workforce*
36 *Innovation and Opportunity Act* allows for the use of funds for
37 initial assessment of skill levels, aptitudes, abilities and support
38 services, and ~~Section 134(d)(3)~~ *Section 134(c)(2)(xii)* of that act
39 ~~(29 U.S.C. Sec. 2864(d)(3))~~ allows for comprehensive and
40 specialized assessments of skill levels and service needs, including,

but not limited to, diagnostic testing and the use of other assessment tools and in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

(c) The Legislature encourages one-stop career centers to maximize the use of ~~Workforce Investment Act~~ *federal Workforce Innovation and Opportunity Act* resources and other federal and state workforce development resources for screening designed to detect unidentified disabilities, and if indicated, appropriate diagnostic assessment.

SEC. 29. Section 14003 of the Unemployment Insurance Code is amended to read:

14003. (a) Grants or contracts awarded under the federal ~~Workforce Investment Act, codified in Chapter 30 (commencing with Section 2801) of Title 29 of the United States Code,~~ *Workforce Innovation and Opportunity Act*, or any other state or federally funded workforce development program, may not be awarded to organizations that are owned or operated as pervasively sectarian organizations.

(b) Grants or contracts awarded under the federal ~~Workforce Investment Act, codified in Chapter 30 (commencing with Section 2801) of Title 29 of the United States Code,~~ *Workforce Innovation and Opportunity Act*, or any other state or federally funded workforce development program, shall comply with Section 4 of Article I and Section 5 of Article XVI of the California Constitution, state and federal civil rights laws, and the First Amendment to the United States Constitution in regard to pervasively sectarian organizations. These legal constraints include prohibitions on the discrimination against beneficiaries and staff based on protected categories and on the promoting of religious doctrine to advance sectarian beliefs.

SEC. 30. Section 14004.5 of the Unemployment Insurance Code is amended to read:

14004.5. The Consolidated Work Program Fund is hereby created in the State Treasury, for the receipt of all moneys deposited pursuant to the federal ~~Workforce Investment Act.~~ *Workforce Innovation and Opportunity Act*. The Employment Development Department shall be the entity responsible for administering this section. Moneys in the fund shall be made available, upon appropriation by the Legislature, to the department, for expenditure consistent with the purposes of the federal

1 ~~Workforce Investment Act.~~ *Workforce Innovation and Opportunity*
2 *Act.*

3 SEC. 31. Section 14005 of the Unemployment Insurance Code
4 is amended to read:

5 14005. For purposes of this division:

6 (a) “Board” means the California Workforce Investment Board.

7 (b) “Agency” means the Labor and Workforce Development
8 Agency.

9 (c) “Career pathways,” “career ladders,” or “career lattices”
10 mean an identified series of positions, work experiences, or
11 educational benchmarks or credentials with multiple access points
12 that offer occupational and financial advancement within a
13 specified career field or related fields over time.

14 (d) “Cluster-based sector strategies” means methods of focusing
15 workforce and economic development on those sectors that have
16 demonstrated a capacity for economic growth and job creation in
17 a particular geographic area.

18 (e) “Data driven” means a process of making decisions about
19 investments and policies based on systematic analysis of data,
20 which may include data pertaining to labor markets.

21 (f) “Economic security” means, with respect to a worker, earning
22 a wage sufficient to support a family adequately, and, over time,
23 to save for emergency expenses and adequate retirement income,
24 based on factors such as household size, the cost of living in the
25 worker’s community, and other factors that may vary by region.

26 (g) “Evidence-based” means making use of policy research as
27 a basis for determining best policy practices. Evidence-based
28 policymakers adopt policies that research has shown to produce
29 positive outcomes, in a variety of settings, for a variety of
30 populations over time. Successful, evidence-based programs deliver
31 quantifiable and sustainable results. Evidence-based practices
32 differ from approaches that are based on tradition, belief,
33 convention, or anecdotal evidence.

34 (h) “High-priority occupations” mean occupations that have a
35 significant presence in a targeted industry sector or industry cluster,
36 are in demand by employers, and pay or lead to payment of a wage
37 that provides economic security.

38 (i) “Individual with employment barriers” means an individual
39 with any characteristic that substantially limits an individual’s
40 ability to obtain employment, including indicators of poor work

1 history, lack of work experience, or access to employment in
2 nontraditional occupations, long-term unemployment, lack of
3 educational or occupational skills attainment, dislocation from
4 high-wage and high-benefit employment, low levels of literacy or
5 English proficiency, disability status, or welfare dependency.

6 (j) “Industry cluster” means a geographic concentration or
7 emerging concentration of interdependent industries with direct
8 service, supplier, and research relationships, or independent
9 industries that share common resources in a given regional
10 economy or labor market. An industry cluster is a group of
11 employers closely linked by common product or services,
12 workforce needs, similar technologies, and supply chains in a given
13 regional economy or labor market.

14 (k) (1) “Industry or sector partnership” means a workforce
15 collaborative that organizes key stakeholders in a targeted industry
16 cluster into a working group that focuses on the workforce needs
17 of the targeted industry cluster. An industry or sector partnership
18 organizes the stakeholders connected with a specific local or
19 regional industry—multiple firms, labor groups, education and
20 training providers, and workforce and education systems—to
21 develop workforce development strategies within the industry.
22 Successful sector partnerships leverage partner resources to address
23 both short-term and long-term human capital needs of a particular
24 sector, including by analyzing current labor markets and identifying
25 barriers to employment within the industry, developing cross-firm
26 skill standards, curricula, and training programs, and developing
27 occupational career ladders to ensure workers of all skill levels
28 can advance within the industry.

29 (2) Industry or sector partnerships include, at the appropriate
30 stage of development of the partnership, all of the following:

31 (A) Representatives of multiple firms or employers in the
32 targeted industry cluster, including small-sized and medium-sized
33 employers when practicable.

34 (B) One or more representatives of state labor organizations,
35 central labor coalitions, or other labor organizations, except in
36 instances where no labor representations exists.

37 (C) One or more representatives of local workforce investment
38 boards.

39 (D) One or more representatives of kindergarten and grades 1
40 to 12, inclusive, and postsecondary educational institutions or other

1 training providers, including, but not limited to, career technical
2 educators.

3 (E) One or more representatives of state workforce agencies or
4 other entities providing employment services.

5 (3) An industry or sector partnership may also include
6 representatives from the following:

7 (A) State or local government.

8 (B) State or local economic development agencies.

9 (C) Other state or local agencies.

10 (D) Chambers of commerce.

11 (E) Nonprofit organizations.

12 (F) Philanthropic organizations.

13 (G) Economic development organizations.

14 (H) Industry associations.

15 (I) Other organizations, as determined necessary by the members
16 comprising the industry or sector partnership.

17 (l) “Industry sector” means those firms that produce similar
18 products or provide similar services using somewhat similar
19 business processes, and are closely linked by workforce needs,
20 within a regional labor market.

21 (m) “Local labor federation” means a central labor council that
22 is an organization of local unions affiliated with the California
23 Labor Federation or a local building and construction trades council
24 affiliated with the State Building and Construction Trades Council.

25 (n) “Sector strategies” means methods of prioritizing
26 investments in competitive and emerging industry sectors and
27 industry clusters on the basis of labor market and other economic
28 data indicating strategic growth potential, especially with regard
29 to jobs and income, and exhibit the following characteristics:

30 (1) Focus workforce investment in education and workforce
31 training programs that are likely to lead to jobs providing economic
32 security or to an entry-level job with a well-articulated career
33 pathway into a job providing economic security.

34 (2) Effectively boost labor productivity or reduce business
35 barriers to growth and expansion stemming from workforce supply
36 problems, including skills gaps and occupational shortages by
37 directing resources and making investments to plug skills gaps
38 and provide education and training programs for high-priority
39 occupations.

1 (3) May be implemented using articulated career pathways or
2 lattices and a system of stackable credentials.

3 (4) May target underserved communities, disconnected youths,
4 incumbent workers, and recently separated military veterans.

5 (5) Frequently are implemented using industry or sector
6 partnerships.

7 (6) Typically are implemented at the regional level where sector
8 firms, those employers described in subdivisions (j) and (l), often
9 share a common labor market and supply chains. However, sector
10 strategies may also be implemented at the state or local level
11 depending on sector needs and labor market conditions.

12 (o) ~~“Workforce Investment Act of 1998”~~ “*Workforce Innovation*
13 *and Opportunity Act*” means the federal act enacted as Public Law
14 ~~105-220, 113-128.~~

15 SEC. 32. Section 14013 of the Unemployment Insurance Code
16 is amended to read:

17 14013. The board shall assist the Governor in the following:

18 (a) Promoting the development of a well-educated and highly
19 skilled 21st century workforce.

20 (b) Developing the State Workforce Investment Plan.

21 (c) Developing guidelines for the continuous improvement and
22 operation of the workforce investment system, including:

23 (1) Developing policies to guide the one-stop system.

24 (2) Providing technical assistance for the continuous
25 improvement of the one-stop system.

26 (3) Recommending state investments in the one-stop system.

27 (4) Targeting resources to competitive and emerging industry
28 sectors and industry clusters that provide economic security and
29 are either high-growth sectors or critical to California’s economy,
30 or both. These industry sectors and clusters shall have significant
31 economic impacts on the state and its regional and workforce
32 development needs and have documented career opportunities.

33 (5) To the extent permissible under state and federal laws,
34 recommending youth policies and strategies that support linkages
35 between kindergarten and grades 1 to 12, inclusive, and community
36 college educational systems and youth training opportunities in
37 order to help youth secure educational and career advancement.
38 These policies and strategies may be implemented using a sector
39 strategies framework and should ultimately lead to placement in
40 a job providing economic security or job placement in an

1 entry-level job that has a well-articulated career pathway or career
2 ladder to a job providing economic security.

3 (6) To the extent permissible under state and federal law,
4 recommending adult and dislocated worker training policies and
5 investments that offer a variety of career opportunities while
6 upgrading the skills of California's workforce. These may include
7 training policies and investments pertaining to any of the following:

8 (A) Occupational skills training, including training for
9 nontraditional employment.

10 (B) On-the-job training.

11 (C) Programs that combine workplace training with related
12 instruction, which may include cooperative education programs.

13 (D) Training programs operated by the private sector.

14 (E) Skill upgrading and retraining.

15 (F) Entrepreneurial training.

16 (G) Job readiness training.

17 (H) Adult education and literacy activities provided in
18 combination with any of the services described in this paragraph.

19 (I) Customized training conducted with a commitment by an
20 employer or group of employers to employ an individual upon
21 successful completion of the training.

22 (d) Developing and continuously improving the statewide
23 workforce investment system as delivered via the one-stop delivery
24 system and via other programs and services supported by funding
25 from the federal ~~Workforce Investment Act of 1998~~, *Workforce*
26 *Innovation and Opportunity Act*, including:

27 (1) Developing linkages in order to ensure coordination and
28 nonduplication among workforce programs and activities.

29 (2) Reviewing local workforce investment plans.

30 (3) Leveraging state and federal funds to ensure that resources
31 are invested in activities that meet the needs of the state's
32 competitive and emerging industry sectors and advance the
33 education and employment needs of students and workers so they
34 can keep pace with the education and skill needs of the state, its
35 regional economies, and leading industry sectors.

36 (e) Commenting, at least once annually, on the measures taken
37 pursuant to the Carl D. Perkins Vocational and Applied Technology
38 Education Act Amendments of 1990 (Public Law 101-392; 20
39 U.S.C. Sec. 2301 et seq.).

1 (f) Designating local workforce investment areas within the
2 state based on information derived from all of the following:

- 3 (1) Consultations with the Governor.
4 (2) Consultations with the chief local elected officials.
5 (3) Consideration of comments received through the public
6 comment process, as described in Section—112(b)(9)
7 102(b)(2)(E)(iii)(II) of the federal ~~Workforce Investment Act of~~
8 ~~1998~~. *Workforce Innovation and Opportunity Act*.

9 (g) Developing and modifying allocation formulas, as necessary,
10 for the distribution of funds for adult employment and training
11 activities, for youth activities to local workforce investment areas,
12 and dislocated worker employment and training activities, as
13 permitted by federal law.

14 (h) Coordinating the development and continuous improvement
15 of comprehensive state performance measures, including state
16 adjusted levels of performance, to assess the effectiveness of the
17 workforce investment activities in the state.

18 (i) Preparing the annual report to the United States Secretary of
19 Labor.

20 (j) Recommending policy for the development of the statewide
21 employment statistics system, including workforce and economic
22 data, as described in Section 491-2 of Title 29 of the United States
23 Code, and using, to the fullest extent possible, the Employment
24 Development Department's existing labor market information
25 systems.

26 (k) Recommending strategies to the Governor for strategic
27 training investments of the Governor's 15-percent discretionary
28 funds.

29 (l) Developing and recommending waivers, in conjunction with
30 local workforce investment boards, to the Governor as provided
31 for in the federal ~~Workforce Investment Act of 1998~~. *Workforce*
32 *Innovation and Opportunity Act*.

33 (m) Recommending policy to the Governor for the use of the
34 25-percent rapid response funds, as authorized under the federal
35 ~~Workforce Investment Act of 1998~~. *Workforce Innovation and*
36 *Opportunity Act*.

37 (n) Developing an application to the United States Department
38 of Labor for an incentive grant under Section 9273 of Title 20 of
39 the United States Code.

(o) (1) Developing a workforce metrics dashboard, to be updated annually, that measures the state's human capital investments in workforce development to better understand the collective impact of these investments on the labor market. The workforce metrics dashboard shall be produced using existing available data and resources that are currently collected and accessible to state agencies. The board shall convene workforce program partners to develop a standardized set of inputs and outputs for the workforce metrics dashboard. The workforce metrics dashboard shall do all of the following:

(A) Provide a status report on credential attainment, training completion, degree attainment, and participant earnings from workforce education and training programs. The board shall publish and distribute the final report.

(B) Provide demographic breakdowns, including, to the extent possible, race, ethnicity, age, gender, veteran status, wage and credential or degree outcomes, and information on workforce outcomes in different industry sectors.

(C) Measure, at a minimum and to the extent feasible with existing resources, the performance of the following workforce programs: community college career technical education, the Employment Training Panel, Title I and Title II of the federal ~~Workforce Investment Act of 1998~~, *Workforce Innovation and Opportunity Act*, Trade Adjustment Assistance, and state apprenticeship programs.

(D) Measure participant earnings in California, and to the extent feasible, in other states. The Employment Development Department shall assist the board by calculating aggregated participant earnings using unemployment insurance wage records, without violating any applicable confidentiality requirements.

(2) The State Department of Education is hereby authorized to collect the social security numbers of adults participating in adult education programs so that accurate participation in those programs can be represented in the report card. However, an individual shall not be denied program participation if he or she refuses to provide a social security number. The State Department of Education shall keep this information confidential and shall only use this information for tracking purposes, in compliance with all applicable state and federal law.

(3) (A) Participating workforce programs, as specified in clause subparagraph (C) of paragraph (1), shall provide participant data in a standardized format to the Employment Development Department.

(B) The Employment Development Department shall aggregate data provided by participating workforce programs and shall report the data, organized by demographics, earnings, and industry of employment, to the board to assist the board in producing the annual workforce metrics dashboard.

SEC. 33. Section 14020 of the Unemployment Insurance Code is amended to read:

14020. (a) The California Workforce Investment Board, in collaboration with state and local partners, including the Chancellor of the California Community Colleges, the State Department of Education, other appropriate state agencies, and local workforce investment boards, shall develop a strategic workforce plan to serve as a framework for the development of public policy, fiscal investment, and operation of all state labor exchange, workforce education, and training programs to address the state's economic, demographic, and workforce needs. The strategic workforce plan shall also serve as the framework for the single state plan required by the federal ~~Workforce Investment Act of 1998~~: *Workforce Innovation and Opportunity Act*. The plan shall be updated at least every five years.

(b) The state shall develop a California Industry Sector Initiative that will serve as the cornerstone of the state plan and provide a framework for state workforce investments and support for sector strategies.

(c) The California Workforce Investment Board shall work collaboratively with state and local partners to identify ways to eliminate systemwide barriers and better align and leverage federal, state, and local ~~Workforce Investment Act~~ *Workforce Innovation and Opportunity Act* funding streams and policies to develop, support, and sustain regional alliances of employers and workforce and education professionals who are working to improve the educational pipeline, establish well-articulated career pathways, provide industry-recognized credentials and certificates, and address the career advancement needs of current and future workers in competitive and emergent industry sectors and clusters. The California Workforce Investment Board and its partners shall work

1 collaboratively to maximize state and local investments and pursue
2 other resources to address the skills-gap needs identified pursuant
3 to paragraph (3) of subdivision (d).

4 (d) In order to support the requirement of the plans in
5 subdivision (a), the California Workforce Investment Board shall
6 do the following:

7 (1) Annually identify industry sectors and industry clusters that
8 have a competitive economic advantage and demonstrated
9 economic importance to the state and its regional economies. In
10 developing this analysis, the California Workforce Investment
11 Board shall consider the expertise of local workforce investment
12 boards in the state's respective regional economies and shall
13 encourage the local workforce investment boards to identify
14 industry sectors and industry clusters that have a competitive
15 economic advantage and demonstrated economic importance in
16 their respective local workforce investment areas.

17 (2) Annually identify new dynamic emergent industry sectors
18 and industry clusters with substantial potential to generate new
19 jobs and income growth for the state and its regional economies.
20 In developing this analysis, the California Workforce Investment
21 Board shall consider the expertise of local workforce investment
22 boards in the state's respective regional economies and shall
23 encourage the local workforce investment boards to identify new
24 dynamic emergent industry sectors and industry clusters with
25 substantial potential to generate new jobs and income growth in
26 their respective local workforce investment areas.

27 (3) Provide an annual skills-gap analysis enumerating
28 occupational and skills shortages in the industry sectors and
29 industry clusters identified as having strategic importance to the
30 state's economy and its regional economies. In developing this
31 analysis, the California Workforce Investment Board shall consider
32 the expertise of local workforce investment boards in the state's
33 respective regional economies and shall encourage the local
34 workforce investment boards to conduct skills-gap analysis for
35 their respective local workforce investment areas. Skills-gap
36 analysis for the state and its regional economies shall use labor
37 market data to specify a list of high-priority, in-demand occupations
38 for the state and its regional economies. This list shall be used to
39 inform investment decisions and eligible training provider policies.

(4) Establish, with input from local workforce investment boards and other stakeholders, initial and subsequent eligibility criteria for the federal ~~Workforce Investment Act of 1998~~ *Workforce Innovation and Opportunity Act* eligible training provider list that effectively directs training resources into training programs leading to employment in high-demand, high-priority, and occupations that provide economic security, particularly those facing a shortage of skilled workers. The subsequent eligibility criteria, to the extent feasible, shall use performance and outcome measures to determine whether a provider is qualified to remain on the list. At a minimum, initial and subsequent eligibility criteria shall consider the following:

(A) The relevance of the training program to the workforce needs of the state's strategic industry sectors and industry clusters.

(B) The need to plug skills gaps and skills shortages in the economy, including skills gaps and skills shortages at the state and regional level.

(C) The need to plug skills gaps and skills shortages in local workforce investment areas.

(D) The likelihood that the training program will lead to job placement in a job providing economic security or job placement in an entry-level job that has a well-articulated career pathway or career ladder to a job providing economic security.

(E) The need for basic skills and bridge training programs that provide access to occupational skills training for individuals with barriers to employment and those who would otherwise be unable to enter occupational skills training.

(F) To the extent feasible, utilize criteria that measure training and education provider performance, including, but not limited to, the following:

(i) Measures of skills or competency attainment.

(ii) Measures relevant to program completion, including measures of course, certificate, degree, licensure, and program of study rate of completion.

(iii) For those entering the labor market, measures of employment placement and retention.

(iv) For those continuing in training or education, measures of educational or training progression.

(v) For those who have entered the labor market, measures of income, including wage measures.

(G) The division of labor for making initial and subsequent eligibility determinations under this division shall be modeled on the division of labor envisioned in the federal ~~Workforce Investment Act of 1998~~ *Workforce Innovation and Opportunity Act* in that the state board shall establish, with input from local workforce investment boards and other stakeholders, the initial and subsequent eligibility procedures and criteria utilized by local workforce investment boards to assess training provider performance. The local boards shall have the authority to place and retain training providers on the list, and shall provide relevant performance data pertaining to the training provider criteria established pursuant to this division to a state agency designated by the Governor. The relevant state agency shall also have the authority to remove training providers for nonperformance, provided they do not meet the performance criteria established pursuant to this division.

(H) If the state receives a waiver from the federal subsequent eligibility provisions specified in the federal ~~Workforce Investment Act of 1998~~, *Workforce Innovation and Opportunity Act*, the state workforce investment board shall establish its own subsequent eligibility criteria that take into account all of the criteria specified in subparagraphs (A) to (G), inclusive.

SEC. 34. Section 14200 of the Unemployment Insurance Code is amended to read:

14200. (a) The local chief elected officials in a local workforce development area shall form, pursuant to guidelines established by the Governor and the board, a local workforce investment board to plan and oversee the workforce investment system.

(b) The Governor shall certify one local board for each local area in the state once every two years, following the requirements of the federal ~~Workforce Investment Act of 1998~~. *Workforce Innovation and Opportunity Act*.

(c) The Governor shall establish, through the California Workforce Investment Board, standards for certification of high-performance local workforce investment boards. The California Workforce Investment Board shall, in consultation with representatives from local workforce investment boards, initiate a stakeholder process to determine the appropriate measurable metrics and standards for high-performance certification. These standards shall be implemented on or before January 1, 2013, and

1 the first certification of high-performance boards shall occur on
2 or before July 1, 2013. Certification and recertification of each
3 high-performance local workforce investment board shall occur
4 thereafter at least once every two years. In order to meet the
5 standards for certification, a high-performance local workforce
6 investment board shall do all of the following:

7 (1) Consistently meet or exceed negotiated performance goals
8 for all of the measures in each of the three federal ~~Workforce~~
9 ~~Investment Act of 1998~~ *Workforce Innovation and Opportunity*
10 *Act* customer groups, which consist of adults, dislocated workers,
11 and youth.

12 (2) Consistently meet the statutory requirements of this division.

13 (3) Develop and implement local policies and a local strategic
14 plan that meets all of the following requirements:

15 (A) Is separate and apart from the local plan required under the
16 federal ~~Workforce Investment Act of 1998~~: *Workforce Innovation*
17 *and Opportunity Act*.

18 (B) Is consistent with the California Workforce Investment
19 Board strategic plan.

20 (C) Describes the actions that the board shall take to implement
21 local policies in furtherance of its goals.

22 (D) Serves as a written account of intended future courses of
23 action aimed at achieving the specific goals of the local and state
24 board within a specific timeframe.

25 (E) Explains what needs to be done, by whom, and when each
26 action is required to occur in order to meet those goals.

27 (4) Demonstrate that the local planning process involves key
28 stakeholders, including the major employers and industry groups
29 in the relevant regional economy and organized labor.

30 (5) Demonstrate that the local planning process takes into
31 account the entire workforce training pipeline for the relevant
32 regional economy, including partners in K-12 education, career
33 technical education, the community college system, other
34 postsecondary institutions, and other local workforce investment
35 areas operating in relevant regional economy.

36 (6) Demonstrate that the local planning process and plan are
37 data driven, and that policy decisions at the local level are evidence
38 based. Each high-performance local workforce investment board
39 shall use labor market data to develop and implement the local
40 plan, taking care to steer resources into programs and services that

1 are relevant to the needs of each workforce investment area's
2 relevant regional labor market and high-wage industry sectors.
3 Local workforce investment areas shall demonstrate an
4 evidence-based approach to policymaking by establishing
5 performance benchmarks and targets to measure progress toward
6 local goals and objectives.

7 (7) Demonstrate investment in workforce initiatives, and,
8 specifically, training programs that promote skills development
9 and career ladders relevant to the needs of each workforce
10 investment area's regional labor market and high-wage industry
11 sectors.

12 (8) Establish a youth strategy aligned with the needs of each
13 workforce investment area's regional labor market and high-wage
14 industry sectors.

15 (9) Establish a business service plan that integrates local
16 business involvement with workforce initiatives. This plan at a
17 minimum shall include all of the following:

18 (A) Efforts to partner with businesses to identify the workforce
19 training and educational barriers to attract jobs in the relevant
20 regional economy, existing skill gaps reducing the competitiveness
21 of local businesses in the relevant regional economies, and potential
22 emerging industries that would likely contribute to job growth in
23 the relevant regional economy if investments were made for
24 training and educational programs.

25 (B) An electronic system for both businesses and job seekers
26 to communicate about job opportunities.

27 (C) A subcommittee of the local workforce investment board
28 that further develops and makes recommendations for the business
29 service plan for each local workforce investment board in an effort
30 to increase employer involvement in the activities of the local
31 workforce investment board. The subcommittee members should
32 be comprised of business representatives on the local workforce
33 investment board who represent both the leading industries and
34 employers in the relevant regional economy and potential emerging
35 sectors that have significant potential to contribute to job growth
36 in the relevant regional economy if investments were made for
37 training and educational programs.

38 (d) Beginning in the 2013–14 fiscal year, the Governor and the
39 Legislature, as part of the annual budget process, in consultation
40 with the California Workforce Investment Board, shall annually

1 reserve a portion of the 15-percent discretionary fund made
2 available pursuant to the federal ~~Workforce Investment Act of~~
3 ~~1998 Workforce Innovation and Opportunity Act~~ for the purpose
4 of providing performance incentives to high-performance local
5 workforce investment boards. The remaining discretionary funds
6 shall continue to be available for other discretionary purposes as
7 provided for in the federal ~~Workforce Investment Act of 1998.~~
8 *Workforce Innovation and Opportunity Act.*

9 (e) Only a workforce investment board that is certified as a
10 high-performance local workforce investment board by the
11 California Workforce Investment Board shall be eligible to receive
12 any incentive money reserved for high-performance local
13 workforce investment boards, as described in subdivision (d). A
14 board that is not certified as a high-performance local workforce
15 investment board shall not receive any portion of the money
16 reserved for high-performance local workforce investment boards,
17 as described in subdivision (d) or any portion of the state's
18 15-percent discretionary fund.

19 (f) The California Workforce Investment Board shall establish
20 a policy for the allocation of incentive moneys to high-performance
21 local workforce investment boards.

22 (g) The California Workforce Investment Board may consider
23 the utilization of incentive grants pursuant to the federal ~~Workforce~~
24 ~~Investment Act of (29 U.S.C. Sec. 2864(a)(2)(B)(iii))~~, *Workforce*
25 *Innovation and Opportunity Act*, for the purposes of this section.

26 (h) There shall not be a requirement to set aside federal
27 ~~Workforce Investment Act of 1998 Workforce Innovation and~~
28 *Opportunity Act* funds for the purposes of subdivisions (d), (e),
29 (f), or (g) in years when the federal government significantly
30 reduces the share of federal ~~Workforce Investment Act of 1998~~
31 *Workforce Innovation and Opportunity Act* funds appropriated to
32 the state for statewide discretionary purposes below the federal
33 statutory amount of 15 percent.

34 SEC. 35. Section 14206 of the Unemployment Insurance Code
35 is amended to read:

36 14206. It shall be the duty of the local board to do all of the
37 following:

38 (a) Coordinate workforce investment activities in the local area
39 with economic development strategies.

1 (b) Promote participation of private sector employers in the
2 local workforce investment system.

3 (c) Develop and submit a local workforce investment plan to
4 the Governor.

5 (d) Select one-stop operators, with the agreement of the local
6 chief elected official, annually review their operations, and
7 terminate for cause the eligibility of such operators.

8 (e) Award grants or contracts to eligible providers of youth
9 activities in the local area on a competitive basis, consistent with
10 the ~~Workforce Investment Act of 1998~~, *federal Workforce*
11 *Innovation and Opportunity Act*, based upon the recommendations
12 of the youth council.

13 (f) Identify, consistent with the ~~Workforce Investment Act of~~
14 ~~1998~~, *federal Workforce Innovation and Opportunity Act*, eligible
15 providers of training services.

16 (g) Identify eligible providers of intensive services and, when
17 the one-stop operator does not provide intensive services to the
18 local area, award contracts to those providers.

19 (h) Develop local policy on the amount and duration of
20 individual training accounts based upon the market rate for local
21 training programs.

22 (i) Conduct program oversight over workforce investment
23 activities in the local area.

24 (j) Negotiate with the local chief elected official in the local
25 area and the Governor on local performance measures for the local
26 area.

27 (k) Assist in the development of a statewide employment
28 statistics system, which shall be developed in conjunction with
29 and shall utilize to the fullest extent possible, the Employment
30 Development Department's labor market information system.

31 SEC. 36. Section 14208 of the Unemployment Insurance Code
32 is amended to read:

33 14208. A youth council shall be established as a subgroup
34 within each local board, appointed by the local board in cooperation
35 with the local chief elected official. Youth council membership
36 shall conform with the requirements of the ~~Workforce Investment~~
37 ~~Act of 1998~~, *federal Workforce Innovation and Opportunity Act*.

38 SEC. 37. Section 14211 of the Unemployment Insurance Code
39 is amended to read:

1 14211. (a) (1) Beginning program year 2012, an amount equal
2 to at least 25 percent of funds available under Title I of the federal
3 ~~Workforce Investment Act of 1998 (Public Law 105-220)~~
4 *Workforce Innovation and Opportunity Act* provided to local
5 workforce investment boards for adults and dislocated workers
6 shall be spent on workforce training programs. This minimum may
7 be met either by spending 25 percent of those base formula funds
8 on training or by combining a portion of those base formula funds
9 with leveraged funds as specified in subdivision (b).

10 (2) Beginning program year 2016, an amount equal to at least
11 30 percent of funds available under Title I of the federal ~~Workforce~~
12 ~~Investment Act of 1998 (Public Law 105-220)~~ *Workforce*
13 *Innovation and Opportunity Act* provided to local workforce
14 investment boards for adults and dislocated workers shall be spent
15 on workforce training programs. This minimum may be met either
16 by spending 30 percent of those base formula funds on training or
17 by combining a portion of those base formula funds with leveraged
18 funds as specified in subdivision (b).

19 (3) Expenditures that shall count toward the minimum
20 percentage of funds shall include only training services as defined
21 in Section ~~2864(d)(4)(D)~~ of Title 29 of the United States Code
22 *134(c)(3) of the federal Workforce Innovation and Opportunity*
23 *Act* and Sections 663.300 and 663.508 of Title 20 of the Code of
24 Federal Regulations, including all of the following:

25 (A) Occupational skills training, including training for
26 nontraditional employment.

27 (B) On-the-job training.

28 (C) Programs that combine workplace training with related
29 instruction, which may include cooperative education programs.

30 (D) Training programs operated by the private sector.

31 (E) Skill upgrading and retraining.

32 (F) Entrepreneurial training.

33 (G) Job readiness training.

34 (H) Adult education and literacy activities provided in
35 combination with services described in any of subparagraphs (A)
36 to (G), inclusive.

37 (I) Customized training conducted with a commitment by an
38 employer or group of employers to employ an individual upon
39 successful completion of the training.

(b) (1) Local workforce investment boards may receive a credit of up to 10 percent of their adult and dislocated worker formula fund base allocations for public education and training funds and private resources from industry and from joint labor-management trusts that are leveraged by a local workforce investment board for training services described in paragraph (3) of subdivision (a). This credit may be applied toward the minimum training requirements in paragraphs (1) and (2) of subdivision (a).

(A) Leveraged funds that may be applied toward the credit allowed by this subdivision shall only include the following:

(i) Federal Pell Grants established under Title IV of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1070 et seq.).

(ii) Programs authorized by the federal ~~Workforce Investment Act of 1998 (Public Law 105-220)~~: *Workforce Innovation and Opportunity Act*.

(iii) Trade adjustment assistance.

(iv) Department of Labor National Emergency Grants.

(v) Match funds from employers, industry, and industry associations.

(vi) Match funds from joint labor-management trusts.

(vii) Employment training panel grants.

(B) Credit for leveraged funds shall only be given if the local workforce investment board keeps records of all training expenditures it chooses to apply to the credit. Training expenditures may only be applied to the credit if the relevant training costs can be independently verified by the Employment Development Department and training participants must be coenrolled in the federal ~~Workforce Investment Act of 1998~~ *Workforce Innovation and Opportunity Act* performance monitoring system.

(2) The use of leveraged funds to partially meet the training requirements specified in paragraphs (1) and (2) of subdivision (a) is the prerogative of a local workforce investment board. Costs arising from the recordkeeping required to demonstrate compliance with the leveraging requirements of this subdivision are the responsibility of the board.

(c) Beginning program year 2012, the Employment Development Department shall calculate for each local workforce investment board, within six months after the end of the second program year of the two-year period of availability for expenditure of federal ~~Workforce Investment Act of 1998~~ *Workforce Innovation and*

1 *Opportunity Act* funds, whether the local workforce investment
2 board met the requirements of subdivision (a). The Employment
3 Development Department shall provide to each local workforce
4 investment board its individual calculations with respect to the
5 expenditure requirements of subdivision (a).

6 (d) A local workforce investment area that does not meet the
7 requirements of subdivision (a) shall submit a corrective action
8 plan to the Employment Development Department that provides
9 reasons for not meeting the requirements and describes actions
10 taken to address the identified expenditure deficiencies. A local
11 workforce investment area shall provide a corrective action plan
12 to the Employment Development Department pursuant to this
13 section within 90 days of receiving the calculations described in
14 subdivision (c).

15 (e) For the purpose of this section, “program year” has the same
16 meaning as provided in Section 667.100 of Title 20 of the Code
17 of Federal Regulations.

18 SEC. 38. Section 14221 of the Unemployment Insurance Code
19 is amended to read:

20 14221. The local plan shall include all of the following:

21 (a) A local labor market assessment which contains an
22 identification of local and regional workforce investment needs
23 of key industry sectors, businesses, jobseekers, and incumbent
24 workers in the local area, the current and projected employment
25 opportunities and the job skills necessary to obtain that
26 employment.

27 (b) A description of the local one-stop delivery system, including
28 all of the following:

29 (1) A description of how the local board will achieve system
30 integration that will improve services to employers, incumbent
31 workers, and jobseekers, and a description of local funding sources.

32 (2) A copy of each memorandum of understanding between the
33 local board and each of the one-stop partners concerning the
34 operation of the one-stop delivery system in the local area.

35 (c) A description of the local levels of performance negotiated
36 with the Governor and chief local elected official to be used to
37 measure the performance of the local area and the performance of
38 the local fiscal agent, eligible providers, and the one-stop delivery
39 system in the local area. Performance standards shall not create

1 disincentives for serving clients for whom it is more difficult to
2 provide service.

3 (d) A description and assessment of the type and availability of
4 adult and dislocated worker employment and training activities in
5 the local area.

6 (e) A description of how the local board will provide services
7 to the business community, including, but not limited to,
8 recruitment and staffing services, training, and development,
9 information and resources, and outplacement and business retention
10 services.

11 (f) A description of how the local board will coordinate
12 workforce investment activities carried out in the local area with
13 statewide rapid response activities, as appropriate.

14 (g) A description and assessment of the type and availability of
15 youth activities in the local area, including an identification of
16 successful providers of those activities.

17 (h) A description of the process used by the local board,
18 consistent with Section 14223, to provide an opportunity for public
19 comment, including comment by representatives of businesses,
20 labor organizations, and community-based organizations, and input
21 into the development of the local plan, prior to submission of the
22 plan.

23 (i) An identification of the entity, as prescribed in the ~~Workforce~~
24 ~~Investment Act of 1998~~, *federal Workforce Innovation and*
25 *Opportunity Act*, responsible for the disbursal of funds under the
26 ~~Workforce Investment Act of 1998~~. *federal Workforce Innovation*
27 *and Opportunity Act*.

28 (j) A description of the competitive process to be used to award
29 the grants and contracts in the local area for activities carried out
30 under the ~~Workforce Investment Act of 1998~~. *federal Workforce*
31 *Innovation and Opportunity Act*.

32 SEC. 39. Section 14230 of the Unemployment Insurance Code
33 is amended to read:

34 14230. (a) It is the intent of the Legislature that:

35 (1) California deliver comprehensive workforce services to
36 jobseekers, students, and employers through a system of one-stop
37 career centers.

38 (2) Services and resources target high-wage industry sectors
39 with career advancement opportunities.

1 (3) Universal access to core services shall be available to adult
2 residents regardless of income, education, employment barriers,
3 or other eligibility requirements. Core services shall include, but
4 not be limited to:

5 (A) Outreach, intake, and orientation to services available
6 through the one-stop delivery system.

7 (B) Initial assessment of skill levels, aptitudes, abilities, and
8 supportive service needs.

9 (C) Job search and placement assistance.

10 (D) Career counseling, where appropriate.

11 (E) Provision of labor market information.

12 (F) Provision of program performance and cost information on
13 eligible providers of training services and local area performance
14 measures.

15 (G) Provision of information on supportive services in the local
16 area.

17 (H) Provision of information on the filing of claims for
18 unemployment compensation benefits and unemployment
19 compensation disability benefits.

20 (I) Assistance in establishing eligibility for welfare-to-work
21 activities pursuant to Section 11325.8 of the Welfare and
22 Institutions Code, and financial aid assistance.

23 (4) State and federally funded workforce education, training,
24 and employment programs shall be integrated in the one-stop
25 delivery system to achieve universal access to the core services
26 described in paragraph (3).

27 (5) Intensive services shall be available to individuals who have
28 completed at least one core service, have been unable to obtain
29 employment, and who have been determined, by the one-stop
30 operator, as being in need of more intensive services, or who are
31 employed but in need of intensive services to obtain or retain
32 employment to achieve self-sufficiency. Intensive services may
33 include comprehensive and specialized assessments of skill levels
34 and service needs, including learning disability screening, the
35 development of individual employment plans, counseling, career
36 planning, and short-term prevocational services to prepare an
37 individual for training and employment.

38 (6) Training services shall be made available to individuals who
39 have met the requirements for intensive services, have been unable
40 to obtain or retain employment through these services, and who,

1 after an interview, evaluation, or assessment, are determined to be
2 in need of training, and have selected a program of services directly
3 linked to occupations in demand in the local or regional area.
4 Training services may include:
5 (A) Occupational skill training including training for
6 nontraditional employment.
7 (B) On-the-job training.
8 (C) Programs that combine workplace training with related
9 instruction.
10 (D) Training programs operated by the private sector.
11 (E) Skill upgrading and retraining.
12 (F) Entrepreneurial training.
13 (G) Job readiness training.
14 (H) Adult education and literacy activities, including vocational
15 English as a second language, provided in combination with
16 subparagraphs (A) through (G), inclusive.
17 (I) Customized training conducted by an employer or a group
18 of employers or a labor-management training partnership with a
19 commitment to employ an individual upon completion of the
20 training.
21 (7) As prescribed in the ~~Workforce Investment Act of 1998,~~
22 *federal Workforce Innovation and Opportunity Act*, when funds
23 are limited, priority for intensive services and training services
24 shall be given to adult recipients of public assistance and other
25 low-income adults, such as CalWORKs participants.
26 (b) Each local workforce investment board shall establish at
27 least one full service one-stop career center in the local workforce
28 investment area. Each full service one-stop career center shall have
29 all entities specified in Section 14231 as partners and shall provide
30 jobseekers with integrated employment, education, training, and
31 job search services. Additionally, employers will be provided with
32 access to comprehensive career and labor market information, job
33 placement, economic development information, performance and
34 program information on service providers, and other such services
35 as the businesses in the community may require.
36 (c) Local boards may also establish affiliated and specialized
37 centers, as defined in the ~~Workforce Investment Act of 1998,~~
38 *federal Workforce Innovation and Opportunity Act*, which shall
39 act as portals into the larger local one-stop system, but are not

1 required to have all of the partners specified for full service
2 one-stop centers.

3 (d) Each local board shall develop a policy for identifying
4 individuals who, because of their skills or experience, should be
5 referred immediately to training services. This policy, along with
6 the methods for referral of individuals between the one-stop
7 operators and the one-stop partners for appropriate services and
8 activities, shall be contained in the memorandum of understanding
9 between the local board and the one-stop partners.

10 (e) The California Workforce Investment Board and each local
11 board shall ensure that programs and services funded by the
12 ~~Workforce Investment Act of 1998~~ *federal Workforce Innovation*
13 *and Opportunity Act* and directed to apprenticeable occupations,
14 including preapprenticeship training, are conducted, to the
15 maximum extent feasible, in coordination with one or more
16 apprenticeship programs approved by the Division of
17 Apprenticeship Standards for the occupation and geographic area.
18 The California Workforce Investment Board and each local board
19 shall also develop a policy of fostering collaboration between
20 community colleges and approved apprenticeship programs in the
21 geographic area to provide preapprenticeship training,
22 apprenticeship training, and continuing education in apprenticeable
23 occupations through the approved apprenticeship programs.

24 (f) In light of California's diverse population, each one-stop
25 career center should have the capacity to provide the appropriate
26 services to the full range of languages and cultures represented in
27 the community served by the one-stop career center.

28 SEC. 40. Section 14231 of the Unemployment Insurance Code
29 is amended to read:

30 14231. (a) The local providers of the following programs or
31 activities shall be required partners in the local one-stop system:

32 (1) Programs authorized under Title I of the ~~Workforce~~
33 ~~Investment Act of 1998~~ *federal Workforce Innovation and*
34 *Opportunity Act*.

35 (2) Programs authorized under the Wagner-Peyser Act (29
36 U.S.C. Sec. 49 et seq.).

37 (3) Adult education and literacy activities authorized under Title
38 II of the ~~Workforce Investment Act of 1998~~ *federal Workforce*
39 *Innovation and Opportunity Act*.

(4) Programs authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 720 et seq.).

(5) Programs authorized under Section 403(a)(5) of the Social Security Act (42 U.S.C. Sec. 603(a)(5) as added by Section 5001 of the Balanced Budget Act of 1997).

(6) Activities authorized under Title V of the Older Americans Act of 1965 (42 U.S.C. Sec. 3056 et seq.).

(7) Postsecondary vocational education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. Sec. 2301 et seq.), including community colleges and regional occupational centers and programs.

(8) Activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. Sec. 2271 et seq.).

(9) Activities authorized under Chapter 41 (commencing with Section 4100) of Title 38 of the United States Code.

(10) Employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. Sec. 9901 et seq.).

(11) Employment and training activities carried out by the Department of Housing and Urban Development.

(12) Programs authorized by this code, in accordance with applicable federal law.

~~(13) Small business development centers, as defined in Section 15382 of the Government Code, where they exist.~~

(b) Community-based organizations that provide intensive services as described in paragraph (4) of subdivision (a) of Section 14230, shall be encouraged to be one-stop partners.

SEC. 41. Section 14500 of the Unemployment Insurance Code is amended to read:

14500. Notwithstanding any other provision of law, when a person using his or her ~~Workforce Investment Act~~ *federal Workforce Innovation and Opportunity Act* individual training account enrolls in an adult education program, a noncredit curricula program at a community college, or a regional occupational center or program, for which state funds are allocated, all of the following shall apply:

(a) The entities administering the program may use ~~Workforce Investment Act~~ *federal Workforce Innovation and Opportunity Act* individual training account funds only to increase the number of hours of services provided above their adult block entitlement

1 pursuant to Section 52616 of the Education Code and funding limit
2 for regional occupational center programs for the purpose of
3 enhancing services already supported with state funds. Any state
4 funds provided to these entities above their adult block entitlements
5 and funding limit for regional occupational center programs shall
6 be subject to an appropriation in the annual Budget Act.

7 (b) Any state funds allocated to the entity administering the
8 program shall not be offset with the ~~Workforce Investment Act~~
9 *federal Workforce Innovation and Opportunity Act* individual
10 training account funds.

11 (c) The entity administering the program shall use the Workforce
12 ~~Investment~~ *Innovation and Opportunity Act* individual training
13 account funds received for the program.

14 SEC. 42. Section 18002 of the Unemployment Insurance Code
15 is amended to read:

16 18002. Each local workforce investment board shall establish
17 at least one comprehensive one-stop career center in each local
18 workforce investment area. These one-stop centers shall ensure
19 access to services pursuant to Section 134(d) of the federal
20 ~~Workforce Investment Act of 1998 (29 U.S.C. Sec. 2864(d))~~,
21 *Workforce Innovation and Opportunity Act*, including services for
22 persons with disabilities, including, but not limited to, all of the
23 following:

24 (a) Outreach, intake, and orientation.

25 (b) Initial assessments of skills, aptitudes, abilities, and need
26 for support services.

27 (c) Program eligibility determinations.

28 (d) Information on the local, regional, and national labor market.

29 (e) Information on filing for unemployment insurance.

30 (f) Access to intensive services as needed, including, but not
31 limited to, comprehensive and specialized assessments of skill
32 levels and service needs, development of individual employment
33 plans, group counseling, individual counseling and career planning,
34 case management for participants seeking training services under
35 subdivision (g), and short-term prevocational services, such as
36 learning, communication, interview, and other jobseeking and
37 work related skills to help prepare individuals for unsubsidized
38 employment and training.

39 (g) Training services, including, but not limited to, occupational
40 skills training, on-the-job training, workplace training and

1 cooperative education programs, private sector training programs,
2 skills upgrade and retraining, entrepreneurial training, job readiness
3 training, adult education, and literacy activities combined with
4 training, and customized training.

5 SEC. 43. Section 18008 of the Unemployment Insurance Code
6 is amended to read:

7 18008. In order to ensure that one-stop career centers operated
8 by local workforce investment boards meet the needs of workers
9 and employers with disabilities, the Governor shall ensure that
10 evaluations conducted pursuant to Sections 134-(a)(2)(B)(ii) and
11 ~~(v) (a)(2)(B)(vi)~~ of the federal ~~Workforce Investment Act of 1998~~
12 ~~(29 U.S.C. Sec. 2864(a)(2)(B)(ii) and (v))~~, *Workforce Innovation*
13 *and Opportunity Act*, address how local one-stop centers provide
14 all of the following:

15 (a) Full access to workforce development services for their
16 disabled community.

17 (b) Assistive technology to ensure access to services.

18 (c) Staff training on assessment and service strategies for
19 jobseekers and employers with disabilities.

20 (d) Representation of the disability community in program
21 planning and service delivery.

22 (e) The development of regional employment networks to
23 participate in the federal Ticket to Work program and the role of
24 the local board and one-stop centers in the Ticket to Work program.

25 SEC. 44. Section 16522.1 of the Welfare and Institutions Code
26 is amended to read:

27 16522.1. (a) In order to be licensed as a transitional housing
28 placement provider pursuant to Section 1559.110 of the Health
29 and Safety Code and be eligible for payment of AFDC-FC benefits
30 pursuant to Sections 11403.2 and 11403.3, an applicant shall obtain
31 certification from the applicable county specifying whether the
32 facility will serve foster youth at least 16 years of age and not more
33 than 18 years of age, nonminor dependents, as defined in
34 subdivision (v) of Section 11400, or both, as follows:

35 (1) A program serving foster children at least 16 years of age
36 and not more than 18 years of age shall obtain a certification
37 entitled "Transitional Housing Placement Program."

38 (2) A program serving nonminor dependents at least 18 years
39 of age and not more than 21 years of age shall obtain a certification

1 entitled a “Transitional Housing Placement-Plus Foster Care
2 program.”

3 (b) The certification for the Transitional Housing Placement
4 Program shall confirm that the program provides for all of the
5 following:

6 (1) Admission criteria for participants in the program, including,
7 but not limited to, consideration of the applicant’s age, previous
8 placement history, delinquency history, history of drug or alcohol
9 abuse, current strengths, level of education, mental health history,
10 medical history, prospects for successful participation in the
11 program, and work experience. Youth who are wards of the court
12 described in Section 602 and youth receiving psychotropic
13 medications shall be eligible for consideration to participate in the
14 program, and shall not be automatically excluded due to these
15 factors.

16 (2) The department shall review the admission criteria to ensure
17 that the criteria are sufficient to protect participants and that they
18 do not discriminate on the basis of any characteristic listed or
19 defined in Section 11135 of the Government Code.

20 (3) Strict employment criteria that include a consideration of
21 the employee’s age, drug or alcohol history, and experience in
22 working with persons in this age group.

23 (4) A training program designed to educate employees who
24 work directly with participants about the characteristics of persons
25 in this age group placed in long-term care settings, and designed
26 to ensure that these employees are able to adequately supervise
27 and counsel participants and to provide them with training in
28 independent living skills.

29 (5) A detailed plan for monitoring the placement of persons
30 under the licensee’s care.

31 (6) A contract between the participating person and the licensee
32 that specifically sets out the requirements for each party, and in
33 which the licensee and the participant agree to the requirements
34 of this article.

35 (7) An allowance to be provided to each participant in the
36 program. In the case of a participant living independently, this
37 allowance shall be sufficient for the participant to purchase food
38 and other necessities.

39 (8) A system for payment for utilities, telephone, and rent.

40 (9) Policies regarding all of the following:

- 1 (A) Education requirements.
- 2 (B) Work expectations.
- 3 (C) Savings requirements.
- 4 (D) Personal safety.
- 5 (E) Visitors, including, but not limited to, visitation by the
- 6 placement auditor pursuant to paragraph (5).
- 7 (F) Emergencies.
- 8 (G) Medical problems.
- 9 (H) Disciplinary measures.
- 10 (I) Child care.
- 11 (J) Pregnancy.
- 12 (K) Curfew.
- 13 (L) Apartment cleanliness.
- 14 (M) Use of utilities and telephone.
- 15 (N) Budgeting.
- 16 (O) Care of furnishings.
- 17 (P) Decorating of apartments.
- 18 (Q) Cars.
- 19 (R) Lending or borrowing money.
- 20 (S) Unauthorized purchases.
- 21 (T) Dating.
- 22 (U) Grounds for termination that may include, but shall not be
- 23 limited to, illegal activities or harboring runaways.
- 24 (10) Apartment furnishings, and a policy on disposition of the
- 25 furnishings when the participant completes the program.
- 26 (11) Evaluation of the participant's progress in the program and
- 27 reporting to the independent living program and to the department
- 28 regarding that progress.
- 29 (12) A linkage to the federal ~~Workforce Investment Act of 1998~~
- 30 ~~(29 U.S.C. Sec. 2801 et seq.)~~ *Workforce Innovation and*
- 31 *Opportunity Act* program administered in the local area to provide
- 32 employment training to eligible participants.
- 33 (13) Effective January 1, 2013, a program staffing ratio of case
- 34 manager to client not to exceed 1 to 12.
- 35 (c) The certification for the Transitional Housing Placement-Plus
- 36 Foster Care program for nonminor dependents, as described in
- 37 paragraph (2) of subdivision (a), from the applicable county shall
- 38 include all of the following:
- 39 (1) That the program is needed by the county.

1 (2) That the provider is capable of effectively and efficiently
2 operating the program.

3 (3) That the provider is willing and able to accept the
4 AFDC-FC-eligible nonminor dependents for placement by the
5 placing agency who need the level of care and services that will
6 be provided by the program.

7 (4) That the plan of operation is suitable to meet the needs of
8 the identified population.

9 (5) That the program staffing ratio of case manager to client
10 does not exceed 1 to 12.

11 (6) As used in subdivision (c), “applicable county,” for purposes
12 of the certification of a program that serves nonminor dependents,
13 means the county where the administrative office or
14 subadministrative office of a transitional housing placement
15 provider is located, or a primary placing county.

16 SEC. 45. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 this act implements a federal law or regulation and results only in
19 costs mandated by the federal government, within the meaning of
20 Section 17556 of the Government Code.